

PARL. PAPERS
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B I L L S,

PUBLIC:

SIX VOLUMES.

—(6.)—

RAILWAY AND CANAL TRAFFIC REGULATION

TO

YOUTHFUL OFFENDERS.

Session

31 *January* — 12 *August* 1854.

V O L. VI.

1854.



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1854.

SIX VOLUMES:—CONTENTS OF THE

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of *Great Britain and Ireland*.

17° & 18° VICT.—31 *January*—12 *August* 1854.

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17° & 18° VICT.

CAP.

Royal Assent.

I. AN ACT to explain and amend an Act of the last Session relating to the Duties of Assessed Taxes, and to authorize Justices of the Peace in *Ireland* to administer Oaths required in Matters relating to Income Tax - - - - (17 *February* 1854.)

II. AN ACT to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and Fifty-four - - - - (23 *March*.)

III. AN ACT for raising the Sum of One million seven hundred and fifty thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and Fifty-four - - - - (23 *March*.)

IV. AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - (23 *March*.)

V. AN ACT to admit Foreign Ships to the Coasting Trade - - - - (23 *March*.)

VI. AN ACT for the Regulation of Her Majesty's Royal Marine Forces } (23 *March*.)
while on Shore - - - - }

VII. AN ACT for extending the Time limited for putting into execution the Act of the Fourteenth and Fifteenth Years of Her present Majesty, for the better Management and Control of Highways in *South Wales* - - - - (12 *May*.)

VIII. AN ACT further to amend an Act relating to the Valuation of rateable Property in *Ireland* - - - - (12 *May*.)

IX. AN ACT to authorize the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for *England and Wales* - - - - (12 *May*.)

X. AN ACT for granting to Her Majesty additional Duties on Profits arising from Property, Professions, Trades and Offices - - - - (12 *May*.)

XI. AN ACT to amend the Laws relating to Ministers' Money, and the Church Temporalities (*Ireland*) Act - - - - (12 *May*.)

XII. AN ACT for raising the Sum of Sixteen millions twenty-four thousand one hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and Fifty-four - - - - (12 *May*.)

XIII. AN ACT to amend the Acts relating to the Militia of the United } (12 *May*.)
Kingdom - - - - }

XIV. AN ACT to continue Her Majesty's Commission for building } (12 *May*.)
new Churches - - - - }

XV. AN ACT to empower the Commissioners of the Admiralty to construct a Tunnel between Her Majesty's Dockyard at *Devonport* and Her Majesty's Steam Factory Yard at *Keyham*, and to acquire certain Property for Her Majesty's Service - - - (2 *June*.)

XVI. AN ACT to amend the Act of the Thirteenth and Fourteenth VICTORIA, Chapter Sixty-one, and the Act of the Fifteenth and Sixteenth VICTORIA, Chapter } (2 *June*.)
Fifty-four - - - - }

Cap.	Royal Assent.
XVII. AN ACT to make further Provision for defining the Boundaries of Counties, Baronies, Half Baronies, Parishes, Town Lands and other Divisions and Denominations of Land in <i>Ireland</i> for Public Purposes - - - - -	(2 June.)
XVIII. AN ACT for the Encouragement of Seamen and the more effectual Manning of Her Majesty's Navy during the present War - - - - -	(2 June.)
XIX. AN ACT for facilitating the Payment of Her Majesty's Navy, and the Payment and Distribution of Prize Bounty, Salvage and other Monies to and amongst the Officers and Crews of Her Majesty's Ships and Vessels of War; and for the better Regulation of the Accounts relating thereto - - - - -	(2 June.)
XX. AN ACT to repeal an Act of the Fifty-third Year of King GEORGE the Third, Chapter Seventy-two, and an Act of the Eighth Year of Her present Majesty, Chapter Twenty-one; and for making Provision for the Appointment and for Remuneration of a Stipendiary Justice for the Division of <i>Manchester</i> , in the County of <i>Lancaster</i> , and of Clerks to such Justice and the Justices for the Borough of <i>Salford</i> ; and for other Purposes - - - - -	(2 June.)
XXI. AN ACT to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and Fifty-four - - - - -	(16 June.)
XXII. AN ACT to enable the Collector-General of <i>Dublin</i> to levy Money to repay a certain Outlay by the Corporation for preserving and improving the Port of <i>Dublin</i> in and about repairing the Quay Wall of the River <i>Liffey</i> , and for future Repairs thereof, and for repairing and rebuilding Bridges over the said River - - - - -	(16 June.)
XXIII. AN ACT for raising the Sum of Six Millions by Exchequer Bonds and Exchequer Bills - - - - -	(16 June.)
XXIV. AN ACT for granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades and Offices - - - - -	(16 June.)
XXV. AN ACT to amend the Industrial and Provident Societies Act, } 1852 - - - - -	(16 June.)
XXVI. AN ACT to assimilate the Law and Practice existing in Cases of High Treason in <i>Ireland</i> to the Law and Practice existing in Cases of High Treason in } <i>England</i> - - - - -	(3 July.)
XXVII. AN ACT for granting certain additional Rates and Duties of } Excise - - - - -	(3 July.)
XXVIII. AN ACT to alter and amend certain Duties of Customs - - - - -	(3 July.)
XXIX. AN ACT to alter the Duties of Customs on Sugar, Molasses } and Spirits - - - - -	(10 July.)
XXX. AN ACT for granting certain Duties of Excise on Sugar made in the United Kingdom - - - - -	(10 July.)
XXXI. AN ACT for the better Regulation of the Traffic on Railways } and Canals - - - - -	(10 July.)
XXXII. AN ACT to facilitate the Apportionment of the Rent when Parts of Lands in Lease are taken for the Purposes of the Church Building Acts - - - - -	(10 July.)
XXXIII. AN ACT to place Public Statues within the Metropolitan Police District under the Control of the Commissioners of Her Majesty's Works and } Public Buildings - - - - -	(10 July.)
XXXIV. AN ACT to enable the Courts of Law in <i>England</i> , <i>Ireland</i> and <i>Scotland</i> to issue Process to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom - - - - -	(10 July.)
XXXV. AN ACT to repeal certain Provisions of an Act of the Fifth and Sixth Years of Her present Majesty, concerning the holding of Assizes for the County of } <i>Warwick</i> - - - - -	(10 July.)
XXXVI. AN ACT for preventing Frauds upon Creditors by Secret Bills of Sale of Personal Chattels - - - - -	(10 July.)
XXXVII. AN ACT for establishing the Validity of certain Proceedings in Her Majesty's Court of Vice-Admiralty in <i>Mauritius</i> - - - - -	(10 July.)
XXXVIII. AN ACT for the Suppression of Gaming Houses - - - - -	(24 July.)
XXXIX. AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - - - - -	(24 July.)

CAP.

Royal Assent.

XL. AN ACT to continue an Act of the last Session of Parliament, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives - - - - - (24 July.)

XLI. AN ACT to continue the Poor Law Board - - - - - (24 July.)

XLII. AN ACT to continue certain Acts for regulating Turnpike }
Roads in *Ireland* - - - - - } (24 July.)

XLIII. AN ACT to continue an Act of the Seventeenth Year of Her present Majesty, for charging the Maintenance of certain Poor Persons in Unions in *England* and *Wales* upon the Common Fund - - - - - (24 July.)

XLIV. AN ACT for regulating and maintaining the Harbours of *Holyhead*, and for vesting them in the Admiralty - - - - - (24 July.)

XLV. AN ACT to amend the *Dublin* Carriage Act, 1853 - - - - - (24 July.)

XLVI. AN ACT to continue certain Acts relating to Linen, Hempen and other Manufactures in *Ireland* - - - - - (24 July.)

XLVII. AN ACT to alter and improve the Mode of taking Evidence in the Ecclesiastical Courts of *England* and *Wales* - - - - - (24 July.)

XLVIII. AN ACT to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales* - - - - - (24 July.)

XLIX. AN ACT for the Settlement of Claims upon and over the *New* }
Forest - - - - - } (24 July.)

L. AN ACT to continue an Act of the Twelfth Year of Her present Majesty, for amending the Laws relating to Savings Banks in *Ireland*; and to authorize Friendly Societies to invest the whole of their Funds in Savings Banks - - - - - (24 July.)

LI. AN ACT to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls - - - - - (31 July.)

LII. AN ACT to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads - - - - - (31 July.)

LIII. AN ACT to confirm Provisional Orders of the General Board of Health for the Districts of *Plymouth*, *Haworth*, *Aberdare*, *Bishop Auckland*, *Willenhall* and *Over Darwen* - - - - - (31 July.)

LIV. AN ACT to guarantee the Liquidation of a Loan or Loans for the Service of the Colony of *Jamaica* - - - - - (31 July.)

LV. AN ACT for the Registration of Bills of Sale in *Ireland* - - - - - (31 July.)

LVI. AN ACT to make further Provisions in relation to certain Friendly }
Societies - - - - - } (31 July.)

LVII. AN ACT to amend the Law relating to the Appointment of Returning Officers in certain Cases - - - - - (31 July.)

LVIII. AN ACT to continue certain Turnpike Acts in *Great Britain*, and to make further Provisions concerning Turnpike Roads in *England* - - - - - (31 July.)

LIX. AN ACT to allow Verdicts on Trials by Jury in Civil Causes in *Scotland* to be returned although the Jury may not be unanimous - - - - - (31 July.)

LX. AN ACT to amend an Act of the Twelfth and Thirteenth Years of Her present Majesty, for the more effectual Prevention of Cruelty to Animals - - - - - (31 July.)

LXI. AN ACT to authorize the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in enlarging and improving the Royal Military }
Asylum - - - - - } (31 July.)

LXII. AN ACT to extend the Benefits of Two Acts of Her Majesty relating to the Constitution, Transmission and Extinction of Heritable Securities in *Scotland* - - - - - (31 July.)

LXIII. AN ACT to continue the Poor Law Commission for *Ireland* - - - - - (31 July.)

LXIV. AN ACT to amend an Act of the last Session, for extending the Public Libraries Act, 1850, to *Ireland* and *Scotland* - - - - - (31 July.)

LXV. AN ACT for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England* - - - - - (31 July.)

LXVI. AN ACT to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of }
the Poor - - - - - } (31 July.)

CAP. 10000

Royal Assent.

LXVII. AN ACT to facilitate the Purchase of Common, Commonable and other Rights by the Principal Officers of Her Majesty's Ordnance - - - - - (31 July.)

LXVIII. AN ACT to provide for the Application of certain Stock purchased with Monies which arose from the Sale of Part of the Land Revenues of the Crown in Ireland - - - - - (31 July.)

LXIX. AN ACT to indemnify Local Boards of Health as regards rating for the Repair of Highways under the Public Health Act, 1848 - - - - - (31 July.)

LXX. AN ACT to enable the Trustees of *Portland Chapel*, *Oxford Chapel*, and *Welbeck Chapel*, in the Parish of *Saint Marylebone*, to augment the Salaries of the Ministers of the said Chapels - - - - - (31 July.)

LXXI. AN ACT to amend the Law concerning the making of Borough Rates in Boroughs not within the Municipal Corporation Acts - - - - - (31 July.)

LXXII. AN ACT to provide for Payment of the Salaries of the Sheriff and Sheriff Clerk of Chancery in *Scotland* - - - - - (31 July.)

LXXIII. AN ACT to amend the Acts for the Regulation of Joint Stock Banks in *Scotland* - - - - - (31 July.)

LXXIV. AN ACT to render Reformatory and Industrial Schools in *Scotland* more available for the Benefit of Vagrant Children - - - - - (7 August.)

LXXV. AN ACT to remove Doubts concerning the due Acknowledgment of Deeds by Married Women in certain Cases - - - - - (7 August.)

LXXVI. AN ACT for the Formation, Regulation and Government of Convict Prisons in *Ireland* - - - - - (7 August.)

LXXVII. AN ACT to provide for the Mode of passing Letters Patent and other Acts of the Crown relating to *India*, and for vesting certain Powers in the Governor-General of *India* in Council - - - - - (7 August.)

LXXVIII. AN ACT to appoint Persons to administer Oaths, and to substitute Stamps in lieu of Fees, and for other Purposes, in the High Court of Admiralty of } *England* - - - - - (7 August.)

LXXIX. AN ACT for further regulating the Sale of Beer and other Liquors on the Lord's Day - - - - - (7 August.)

LXXX. AN ACT to provide for the better Registration of Births, Deaths and Marriages in *Scotland* - - - - - (7 August.)

LXXXI. AN ACT to make further Provision for the good Government and Extension of the University of *Oxford*, of the Colleges therein, and of the College of *Saint Mary*, *Winchester* - - - - - (7 August.)

LXXXII. AN ACT further to improve the Administration of Justice in the Court of Chancery of the County Palatine of *Lancaster* - - - - - (7 August.)

LXXXIII. AN ACT to amend the Laws relating to the Stamp Duties - (10 August.)

LXXXIV. AN ACT to extend the Provisions of the Acts for the Augmentation of Benefices - - - - - (10 August.)

LXXXV. AN ACT for better securing the collecting and accounting for the Land Tax, Assessed Taxes and Income Tax, by the Collectors thereof - - - - - (10 August.)

LXXXVI. AN ACT for the better Care and Reformation of Youthful Offenders in *Great Britain* - - - - - (16 August.)

LXXXVII. AN ACT to make further Provision for the Burial of the Dead in *England* beyond the Limits of the Metropolis - - - - - (10 August.)

LXXXVIII. AN ACT to render valid certain Marriages of *British Subjects* in *Mexico* - - - - - (10 August.)

LXXXIX. AN ACT to amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of Illicit Distillation } in *Ireland* - - - - - (10 August.)

XC. AN ACT to repeal the Laws relating to Usury and to the Enrolment of Annuities - - - - - (10 August.)

XCI. AN ACT for the Valuation of Lands and Heritages in *Scotland* - (10 August.)

XCII. AN ACT to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of *Ireland* - (10 August.)

CAP.

Royal Assent.

XCIII. AN ACT for the Exchange of the Office in *Somerset House* of the Duchy of *Cornwall* for an Office to be erected in *Pimlico* on the Hereditary Possessions of the Crown - (10 August.)

XCIV. AN ACT to alter the Mode of providing for certain Expenses now charged upon certain Branches of the Public Revenues and upon the Consolidated Fund - (10 August.)

XCV. AN ACT to make better Provision for the Administration of the Laws relating to the Public Health - (10 August.)

XCVI. AN ACT for allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Law relating to the assaying of Gold and Silver Wares - (10 August.)

XCVII. AN ACT to amend and extend the Acts for the Inclosure, Exchange and Improvement of Land - (10 August.)

XCVIII. AN ACT to regulate the Salaries of the Parochial School-masters of *Scotland* - (10 August.)

XCIX. AN ACT to provide for the Establishment of a National Gallery of Paintings, Sculpture and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum in *Dublin* - (10 August.)

C. AN ACT to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery - (10 August.)

CI. AN ACT to continue and amend the Acts now in force relating to Friendly Societies - (10 August.)

CII. AN ACT to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament - (10 August.)

CIII. AN ACT to make better Provision for the paving, lighting, draining, cleansing, supplying with Water, and Regulation of Towns in *Ireland* - (10 August.)

CIV. AN ACT to amend and consolidate the Acts relating to Merchant Shipping - (10 August.)

CV. AN ACT to amend the Laws relating to the Militia in *England* and *Wales* - (11 August.)

CVI. AN ACT for amending the Laws relating to the Militia, and raising a Volunteer Force, in *Scotland* - (11 August.)

CVII. AN ACT to amend the Laws relating to the Militia, and for raising a Volunteer Militia Force, in *Ireland* - (11 August.)

CVIII. AN ACT to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - (11 August.)

CIX. AN ACT to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers - (11 August.)

CX. AN ACT to provide for the Repayment of Monies advanced from the Exchequer to the County of *Mayo* for Public Purposes - (11 August.)

CXI. AN ACT to continue and amend the Metropolitan Sewers Acts - (11 August.)

CXII. AN ACT to afford greater Facilities for the Establishment of Institutions for the Promotion of Literature and Science and the Fine Arts, and to provide for their better Regulation - (11 August.)

CXIII. AN ACT to amend the Law relating to the Administration of the Estates of deceased Persons - (11 August.)

CXIV. AN ACT to extend the Rights enjoyed by the Graduates of the Universities of *Oxford* and *Cambridge* in respect to the Practice of Physic to the Graduates of the University of *London* - (11 August.)

CXV. AN ACT to amend the Law relative to the Removal of Prisoners in Custody - (11 August.)

CXVI. AN ACT to continue and amend an Act to facilitate the Management and Improvement of Episcopal and Caputular Estates in *England* - (11 August.)

CAP.

Royal Assent.

CXVII. AN ACT to facilitate the Sale and Transfer of Incumbered Estates in the *West Indies* - - - - - } (11 August.)

CXVIII. AN ACT to empower the Legislature of *Canada* to alter the Constitution of the Legislative Council for that Province, and for other Purposes - - - (11 August.)

CXIX. AN ACT for regulating Appointments to Offices in the Court of Bankruptcy, and for amending the Laws relating to Bankrupts - - - - - (11 August.)

CXX. AN ACT to repeal certain Acts and Parts of Acts relating to Merchant Shipping, and to continue certain Provisions in the said Acts - - - - - (11 August.)

CXXI. AN ACT to apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year One thousand eight hundred and Fifty-four, and to appropriate the Supplies granted in this Session of Parliament - - - - - (12 August.)

CXXII. AN ACT for the further Alteration and Amendment of the Laws and Duties of Customs - - - - - } (12 August.)

CXXIII. AN ACT to render any Dealing with Securities issued during the present War between *Russia* and *England* by the *Russian* Government a Misdemeanor - (12 August.)

CXXIV. AN ACT to settle the Contribution to be made by certain Baronies in *Roscommon* and *Galway*, and the County of the Town of *Galway*, to the Midland Great Western Railway of *Ireland* Company - - - - - (12 August.)

CXXV. AN ACT for the further Amendment of the Process, Practice and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at *Westminster*, and of the Superior Courts of Common Law of the Counties Palatine of *Lancaster* and *Durham* - - - - - (12 August.)

I N D E X

TO THE

PUBLIC GENERAL ACTS, 17° & 18° VICT., SESS. 1854:

SHOWING

Whether they relate to the WHOLE or to any PART of the UNITED KINGDOM;

VIZ.

(E.) <i>signifies that the Act</i> <i>relates to</i> }	ENGLAND (and WALES, if the subject extends so far).
(W.) - - -	WALES exclusively.
(S.) - - -	SCOTLAND.
(I.) - - -	IRELAND.
(E. & I.) - -	ENGLAND AND IRELAND.
(G. B.) - - -	GREAT BRITAIN.
(G. B. & I.) -	GREAT BRITAIN AND IRELAND.
(U. K.) - - -	THE WHOLE OF THE UNITED KINGDOM.

A.	Cap.
A BERDARE (Glamorgan), to confirm a Provisional Order of the } General Board of Health for the District of - - - }	(E.) 53.
Acknowledgment of Deeds by Married Women; to remove Doubts } concerning the due Acknowledgment of Deeds by Married Women } in certain Cases - - - - - }	(E.) 75.
Administration of the Estates of deceased Persons, to amend the Law } relating to - - - - - }	(E.) 113.
Admiralty, to empower the Commissioners of, to construct a Tunnel } between Her Majesty's Dockyard at Devonport and Her Majesty's } Steam Factory Yard at Keyham, and to acquire certain Property for } Her Majesty's Service - - - - - }	(E.) 15.
— for vesting the Harbours of Holyhead in - - - - -	(G. B. & I.) 44.
— to appoint Persons to administer Oaths, and to substitute } Stamps in lieu of Fees, and for other Purposes, in the High Court of } Admiralty - - - - - }	(U. K.) 78.
Animals, to amend 12 & 13 Vict. c. 92, for the more effectual Prevention } of Cruelty to - - - - - }	(U. K.) 60.
Annuities, to repeal the Laws relating to the Enrolment of - - -	(U. K.) 90.
Appropriation of Supplies - - - - -	(U. K.) 121.
Army; for punishing Mutiny and Desertion, and for the better Payment } of the Army and their Quarters - - - - - }	(U. K.) 4.
Army Prize Fund; to authorize the Application of a Sum of Money out } of the forfeited and unclaimed Army Prize Fund, in enlarging and } improving the Royal Military Asylum - - - - - }	(E.) 61.
Assessed Taxes, to explain and amend 16 & 17 Vict. c. 90, relating to } the Duties of - - - - - }	(G. B. & I.) 1.
— for better securing the collecting and accounting for, by the } Collectors thereof - - - - - }	(G. B. & I.) 85.
Auckland. <i>See</i> Bishop Auckland.	
Augmentation of Benefices, to extend the Provisions of the Acts for -	(E.) 84.

B.	<i>Cap.</i>
Bankruptcy, for regulating Appointments to Offices in the Court of, and } for amending the Laws relating to Bankrupts - - - - }	(E.) 119.
Banks. <i>See</i> Joint Stock Banks. Savings Banks.	
Beer; for further regulating the Sale of Beer and other Liquors on the } Lord's Day - - - - - }	(E.) 79.
Benefices, to extend the Provisions of the Acts for the Augmentation of	(E.) 84.
Bills of Sale; for preventing Frauds upon Creditors by Secret Bills of } Sale of Personal Chattels - - - - - }	(E.) 36.
——— for the Registration of - - - - -	(I.) 55.
Births, to provide for the better Registration of - - - - -	(S.) 80.
Bishop Auckland (Durham), to confirm a Provisional Order of the } General Board of Health for the District of - - - - }	(E.) 53.
Board of Health; to confirm Provisional Orders of the General Board } of Health for the Districts of Plymouth, Haworth, Aberdare, Bishop } Auckland, Willenhall, and Over Darwen - - - - }	(E.) 53.
Boards of Health (Local), to indemnify, as regards rating for the } Repairs of Highways under the Public Health Act, 1848 - - }	(E.) 69.
Borough Rates, to amend the Law concerning the making of, in Bo- } roughs not within the Municipal Corporation Acts - - - }	(E.) 71.
Boundary Survey; to make further Provision for defining the Bounda- } ries of Counties, Baronies, Half Baronies, Parishes, Town Lands, and } other Divisions and Denominations of Land, for Public Purposes - }	(I.) 17.
Bounty Money, for facilitating the Payment of, to and amongst the } Officers and Crews of Her Majesty's Ships and Vessels of War - }	(U. K.) 19.
Bribery at Elections of Members of Parliament, to consolidate and } amend the Laws relating to - - - - - }	(U. K.) 102.
Burials beyond the Limits of the Metropolis, to make further Pro- } vision for - - - - - }	(E.) 87.

C.

Canada, to empower the Legislature of, to alter the Constitution of the } Legislative Council for that Province, and for other Purposes - - }	(U. K.) 118.
Canals, for the better Regulation of the Traffic on - - - - -	(G. B. & I.) 31.
Capitular Estates, to continue and amend 14 & 15 Vict. c. 104, to } facilitate the Management and Improvement of - - - - }	(E.) 116.
Chancery, to provide for the Payment of the Salaries of the Sheriff and } Sheriff Clerk of - - - - - }	(S.) 72.
——— (High Court of), to make further Provision for the more speedy } and efficient Despatch of Business in - - - - - }	(E.) 100.
——— (Court of), of the County Palatine of Lancaster, further to im- } prove the Administration of Justice in - - - - - }	(E.) 82.
Church Building Acts Amendment; to facilitate the Apportionment of } the Rent when Parts of Lands in Lease are taken for the Purposes } of the Church Building Acts - - - - - }	(E.) 32.
Churches (New), to continue Her Majesty's Commission for building -	(E.) 14.
Church Temporalities Act, to amend - - - - -	(I.) 11.
Civil Causes, to allow Verdicts on Trials by Jury in, to be returned, } although the Jury may not be unanimous - - - - - }	(S.) 59.
Coasting Trade, to admit Foreign Ships to - - - - -	(U. K.) 5.
Collectors of the Land Tax, Assessed Taxes and Income Tax, for better } securing the collecting and accounting for them, by the Collectors } thereof - - - - - }	(G. B. & I.) 85.
Convict Prisons, for the Formation, Regulation and Government of -	(I.) 76.

	<i>Cap.</i>
Commissioners of Works and Public Buildings, to place Public Sta- tues within the Metropolitan Police District under the Control of	(E.) 33.
Common, Commonable, and other Rights, to facilitate the Purchase of, by the principal Officers of Her Majesty's Ordnance	(E.) 67.
Common Law Procedure Act; for the further Amendment of the Pro- cess, Practice and Mode of Pleading in and enlarging the Jurisdic- tion of the Superior Courts of Common Law at Westminster, and of the Superior Courts of Common Law of the Counties Palatine of Lancaster and Durham	(E.) 125.
Consolidated Fund, to apply the Sum of 8,000,000 <i>l.</i> out of, to the Service of the Year 1854	(U. K.) 2. 21.
— to alter the Mode of providing for certain Expenses now charged upon	(U. K.) 94.
Consolidated Fund (Appropriation); to apply a Sum out of the Con- solidated Fund, and certain other Sums, to the Service of the Year 1854, and to appropriate the Supplies granted in this Session of Parliament	(U. K.) 121.
Convict Prisons, for the Formation, Regulation and Government of	(I.) 76.
Cornwall (Duchy of), for the Exchange of the Office of, in Somerset House, for an Office to be erected in Pimlico on the Hereditary Pos- sessions of the Crown	(E.) 93.
County Court Extension Acts Amendment; to amend 13 & 14 Vict. c. 61, and 15 & 16 Vict. c. 54, relating to certain Proceedings in County Courts	(E.) 16.
Court of Admiralty. <i>See Admiralty.</i>	
Court of Bankruptcy, for regulating Appointments to Offices in	(E.) 119.
Courts of Law, in England, Ireland and Scotland, enabled to issue Pro- cess to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom	(U. K.) 34.
Courts of Common Law; for the further Amendment of the Process, Practice and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster, and of the Superior Courts of Common Law of the Counties Palatine of Lan- caster and Durham	(E.) 125.
Creditors, for preventing Frauds upon, by Secret Bills of Sale of Per- sonal Chattels	(E.) 36.
Crime and Outrage, to continue 11 & 12 Vict. c. 2, for the better Prevention of	(I.) 92.
Crown Revenues. <i>See Land Revenues of the Crown.</i>	
Cruelty to Animals, to amend 12 & 13 Vict. c. 92, for the more effec- tual Prevention of	(U. K.) 60.
Customs, to alter and amend certain Duties of	(U. K.) 28.
— to alter the Duties of, on Sugar, Molasses and Spirits	(U. K.) 29.
— for the further Alteration and Amendment of the Laws and Duties of	(U. K.) 122.

D.

Dead, to make further Provision for the Burial of, beyond the Limits of the Metropolis	(E.) 87.
Deaths, to provide for the better Registration of	(S.) 80.
Deeds, to remove Doubts concerning the due Acknowledgment of, by Married Women, in certain Cases	(E.) 75.
Desertion. <i>See Army.</i>	

		<i>Cap.</i>
Devonport, to empower the Commissioners of the Admiralty to construct a Tunnel between Her Majesty's Dockyard at, and Her Majesty's Steam Factory Yard at Keyham, and to acquire certain Property for Her Majesty's Service - - - - -	(E.)	15.
Distillation (Illicit), to amend the Laws for the Suppression of - - - - -	(I.)	89.
Dublin, to enable the Collector General of, to levy Money to repay a certain Outlay by the Corporation, for preserving and improving the Port of Dublin in and about repairing the Quay Wall of the River Liffey, and for future Repairs thereof, and for repairing and rebuilding Bridges over the said River - - - - -	(I.)	22.
—— to amend the Dublin Carriage Act, 1853 (16 & 17 Vict. c. 112) - - - - -	(I.)	45.
—— to provide for the Establishment of a National Gallery of Paintings, Sculpture and the Fine Arts, for the Care of a Public Library, and for the Erection of a Public Museum in - - - - -	(I.)	99.
Duchy of Cornwall Office; for the Exchange of the Office in Somerset House of the Duchy of Cornwall for an Office to be erected in Pimlico on the Hereditary Possessions of the Crown - - - - -	(E.)	93.
Durham (County Palatine of); for the further Amendment of the Process, Practice and Mode of Pleading in, and enlarging the Jurisdiction of, the Superior Court of Common Law of - - - - -	(E.)	125.
Duties. <i>See</i> Assessed Taxes. Customs. Excise. Income. Stamp Duties.		

E.

Ecclesiastical Courts, to alter and improve the Mode of taking Evidence in - - - - -	(E.)	47.
Ecclesiastical Jurisdiction, for further continuing certain temporary Provisions concerning - - - - -	(E.)	65.
Election of Members of Parliament, to consolidate and amend the Laws relating to Bribery, Treating and undue Influence at - - - - -	(U. K.)	102.
Enrolment of Annuities, to repeal the Laws relating to - - - - -	(U. K.)	90.
Episcopal Estates, to continue and amend 14 & 15 Vict. c. 104, to facilitate the Management and Improvement of - - - - -	(E.)	116.
Estates; to amend the Law relating to the Administration of the Estates of deceased Persons - - - - -	(E.)	113.
—— (Incumbered), to facilitate the Sale and Transfer of, in the West Indies - - - - -	(U. K.)	117.
Evidence, to alter and improve the Mode of taking, in the Ecclesiastical Courts - - - - -	(E.)	47.
Exchequer, to provide for the Repayment of Monies advanced from, to the County of Mayo, for Public Purposes - - - - -	(S.)	110.
Exchequer Bills; raising 1,750,000 <i>l.</i> for the Service of the Year 1854 - - - - -	(U. K.)	3.
—— raising 16,024,100 <i>l.</i> for the Service of the Year 1854 - - - - -	(U. K.)	12.
Exchequer Bonds and Exchequer Bills, raising 6,000,000 <i>l.</i> by - - - - -	(U. K.)	23.
Excise, for granting certain additional Rates and Duties of - - - - -	(G. B. & I.)	27.
—— for granting certain Duties of, on Sugar made in the United Kingdom - - - - -	(U. K.)	30.

F.

Fees, to substitute Stamps in lieu of, in the High Court of Admiralty - - - - -	(U. K.)	78.
Fine Arts; to provide for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, in Dublin - - - - -	(I.)	99.
—— to afford greater Facilities for the Establishment of Institutions for the Promotion of - - - - -	(E. & I.)	112.

		<i>Cap.</i>
Frauds upon Creditors, by Secret Bills of Sale of Personal Chattels, } for preventing - - - - -	(E.)	36.
Friendly Societies, authorized to invest the whole of their Funds in } Savings Banks - - - - -	(I.)	50.
— to make further Provisions in relation to certain Friendly } Societies - - - - -	(U. K.)	56.
— to continue and amend the Acts now in force relating to -	(E.)	101.

G.

Galway, to settle the Contribution to be made by certain Baronies in, } to the Midland Great Western Railway of Ireland Company -	(I.)	124.
Gaming Houses, for the Suppression of - - - - -	(E.)	38.
General Board of Health, to confirm Provisional Orders of, for the } Districts of Plymouth, Haworth, Aberdare, Bishop Auckland, Willen- } hall, and Over Darwen - - - - -	(E.)	53.
Gold and Silver Wares; for allowing Gold Wares to be manufactured } at a lower Standard than that now allowed by Law, and to amend } the Law relating to the assaying of Gold and Silver Wares - -	(U. K.)	96.
Graduates of the Universities of Oxford and Cambridge, in respect to } the Practice of Physic, to extend the Rights of, to Graduates of the } University of London - - - - -	(E.)	114.

H.

Haworth (W. R. York), to confirm a Provisional Order of the General } Board of Health for the District of - - - - -	(E.)	53.
Health. <i>See</i> General Board of Health. Public Health.		
Hempen, &c. Manufactures, to continue 5 & 6 Will. 4, c. 27, 3 & 4 Vict. } c. 91, 5 & 6 Vict. c. 68, 7 & 8 Vict. c. 47, 13 & 14 Vict. c. 48, } 15 & 16 Vict. c. 13, and 16 & 17 Vict. c. 103, relating to - -	(I.)	46.
Heritable Securities, to extend the Benefits of 8 & 9 Vict. c. 31, and } 10 & 11 Vict. c. 50, relating to the Constitution, Transmission, and } Extinction of - - - - -	(S.)	62.
Heritages, for the Valuation of - - - - -	(S.)	91.
High Treason; to assimilate the Law and Practice in Cases of High } Treason in Ireland, to the Law and Practice existing in Cases of } High Treason in England - - - - -	(G. B. & I.)	26.
Highways (South Wales); for extending the Time for putting into } execution 14 & 15 Vict. c. 16, for the better Management and Con- } trol of Highways in South Wales - - - - -	(W.)	7.
Highway Rates, to continue 4 & 5 Vict. c. 59, for authorizing the } Application of, to Turnpike Roads - - - - -	(E.)	52.
Highways (Public Health Act); to indemnify Local Boards of Health } as regards rating for the Repair of Highways under the Public } Health Act, 1848 - - - - -	(E.)	69.
Holyhead Harbours, for regulating and maintaining, and for vesting } them in the Admiralty - - - - -	(G. B. & I.)	44.

I.

Inclosure of Lands; to authorize the Inclosure of certain Lands in pur- } suance of a Report of the Inclosure Commissioners for England and } Wales - - - - -	(E.)	9. 48.
— to amend and extend the Acts for the Inclosure, Exchange and } Improvement of Land - - - - -	(E.)	97.

Cap.

- Income Tax, to authorize Justices of the Peace in Ireland to administer } (G. B. & I.) 1.
 Oaths required in Matters relating to ———— }
 ——— for granting to Her Majesty additional Duties on Profits } (G. B. & I.) 10.
 arising from Property, Professions, Trades and Offices ———— }
 ——— for granting to Her Majesty an increased Rate of Duty on } (G. B. & I.) 24.
 Profits arising from Property, Professions, Trades and Offices ———— }
 ——— to continue 16 & 17 Vict. c. 91, for extending for a limited } (G. B. & I.) 40.
 Time the Provision for Abatement of Income Tax in respect of In- }
 surance of Lives ———— }
 ——— for better securing the collecting and accounting for, by the } (G. B. & I.) 85.
 Collectors thereof ———— }
 Incumbered Estates in the West Indies, to facilitate the Sale and } (U. K.) 117.
 Transfer of ———— }
 Indemnity; Annual Act to indemnify such Persons as have omitted to } (U. K.) 39.
 qualify themselves for Offices and Employments, and to extend the }
 Time limited for those Purposes respectively ———— }
 Indian Appointments; to provide for the Mode of passing Letters } (U. K.) 77.
 Patent and other Acts of the Crown relating to India, and for vesting }
 certain Powers in the Governor-General of India in Council ———— }
 Industrial and Provident Societies Act, 1852, to amend ———— (U. K.) 25.
 Industrial Schools; to render Reformatory and Industrial Schools more } (S.) 74.
 available for the Benefit of Vagrant Children ———— }
 Insurance on Lives; to continue 16 & 17 Vict. c. 91, for extending } (G. B. & I.) 40.
 for a limited Time the Provision for Abatement of Income Tax in }
 respect of ———— }
 Jamaica, to guarantee the Liquidation of a Loan or Loans for the } (U. K.) 54.
 Service of the Colony of ———— }
 Joint Stock Banks, to amend 7 & 8 Vict. c. 113, and 9 & 10 Vict. c. 75, } (S.) 73.
 for the Regulation of ———— }
 Jury, to allow Verdicts on Trial by, in Civil Causes, to be returned, } (S.) 59.
 although the Jury may not be unanimous ———— }
 Justices of the Peace in Ireland authorized to administer Oaths re- } (G. B. & I.) 1.
 quired in Matters relating to the Income Tax ———— }

K.

- Keyham; to empower the Commissioners of the Admiralty to construct } (E.) 15.
 a Tunnel between Her Majesty's Dockyard at Devonport and Her }
 Majesty's Steam Factory Yard at Keyham, and to acquire certain }
 Property for Her Majesty's Service ———— }

L.

- Lancaster (County Palatine of), further to improve the Administration } (E.) 82.
 of Justice in the Court of Chancery of ———— }
 ——— for the further Amendment of the Process, Practice and Mode } (E.) 125.
 of Pleading in, and enlarging the Jurisdiction of the Superior Court }
 of Common Law of ———— }
 Land Revenues of the Crown, to provide for the Application of certain } (L.) 68.
 Stock purchased with Monies which arose from the Sale of Part of — }
 ——— for the Exchange of the Office in Somerset House of the Duchy } (E.) 93.
 of Cornwall for an Office to be erected in Pimlico on the Hereditary }
 Possessions of the Crown ———— }

	Cap.
Lands, Inclosure of; to authorize the Inclosure of certain Lands in pursuance of a Report of the Commissioners for England and Wales -	(E.) 9. 48.
----- to amend and extend the Acts for the Inclosure, Exchange and Improvement of - - - - -	(E.) 97.
----- for the Valuation of - - - - -	(S.) 91.
Land Tax, for better securing the collecting and accounting for, by the Collectors thereof - - - - -	(G. B. & I.) 85.
Law. See Courts of Law.	
Legislative Council (Canada); to empower the Legislature of Canada to alter the Constitution of the Legislative Council for that Province, and for other Purposes - - - - -	(U. K.) 118.
Letters Patent and other Acts of the Crown relating to India, to provide for the Mode of passing - - - - -	(U. K.) 67.
Libraries; to amend 16 & 17 Vict. c. 101, for extending the Public Libraries Act, 1850, to Ireland and Scotland - - - - -	(G. B. & I.) 64.
----- for the Care of a Public Library, and the Erection of a Public Museum in Dublin - - - - -	(I.) 99.
Life Insurance; to continue 16 & 17 Vict. c. 91, to extend for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives - - - - -	(G. B. & I.) 40.
Liffey (River), to enable the Collector General of Dublin to levy Money to repay a certain Outlay by the Corporation for preserving and improving the Port of Dublin in and about, repairing the Quay Wall of the River Liffey, and for future Repairs thereof, and for repairing and rebuilding Bridges over the said River - - - - -	(I.) 22.
Linen, &c. Manufactures, to continue 5 & 6 Will. 4, c. 27, 3 & 4 Vict. c. 91, 5 & 6 Vict. c. 68, 7 & 8 Vict. c. 47, 13 & 14 Vict. c. 48, 15 & 16 Vict. c. 113, and 16 & 17 Vict. c. 103, relating to - - - - -	(I.) 46.
Literary and Scientific Institutions; to afford greater Facilities for the Establishment of Institutions for the Promotion of Literature and Science and the Fine Arts, and to provide for their better Regulation - - - - -	(E. & I.) 112.
Local Boards of Health indemnified as regards rating for the Repair of Highways under the Public Health Act, 1848 - - - - -	(E.) 69.
London University, to extend to Graduates of, the Rights enjoyed by the Graduates of the Universities of Oxford and Cambridge in respect of the Practice of Physic - - - - -	(E.) 114.
Lord's Day, for further regulating the Sale of Beer and other Liquors on - - - - -	(E.) 79.
M.	
Manchester; to repeal 53 Geo. 3, c. 72, and 3 & 9 Vict. c. 21; and for making Provision for the Appointment and for Remuneration of a Stipendiary Justice for the Division of Manchester, and of Clerks to such Justice and the Justices for the Borough of Salford - - - - -	(E.) 20.
Manning the Navy; for the Encouragement of Seamen and the more effectual Manning of Her Majesty's Navy during the present War -	(U. K.) 18.
Marine Mutiny; for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - -	(U. K.) 6.
Marriages, to provide for the better Registration of - - - - -	(S.) 80.
----- to render valid certain Marriages of British Subjects in Mexico - - - - -	(U. K.) 88.
Married Women, to remove Doubts concerning the Acknowledgment of Deeds by, in certain Cases - - - - -	(E.) 75.

Mauritius, for establishing the Validity of certain Proceedings in Her Majesty's Court of Vice-Admiralty in - - - - -	(U. K.)	37.	<i>Cap.</i>
Mayo (County of), to provide for the Repayment of Monies advanced to, from the Exchequer, for Public Purposes - - - - -	(I.)	110.	
Medical Graduates of the University of London, to extend the Rights enjoyed by the Graduates of the Universities of Oxford and Cambridge, in respect to the Practice of Physic, to - - - - -	(E.)	114.	
Members of Parliament, to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of - - - - -	(U. K.)	102.	
Merchant Shipping, to amend and consolidate the Acts relating to - - - - -	(U. K.)	104.	
—— to repeal certain Acts and Parts of Acts relating to, and to continue certain Provisions in the said Acts - - - - -	(U. K.)	120.	
Metropolis, to make further Provision for the Burial of the Dead beyond the Limits of - - - - -	(E.)	87.	
Metropolitan Police District, to place Public Statues within, under the Control of the Commissioners of Her Majesty's Works and Public Buildings - - - - -	(E.)	33.	
Metropolitan Sewers Acts, to continue and amend - - - - -	(E.)	111.	
Mexico, to render valid certain Marriages of British Subjects in - - - - -	(U. K.)	88.	
Midland Great Western Railway of Ireland Company, to settle the Contribution to be made to, by certain Baronies in Roscommon and Galway and the County of the Town of Galway - - - - -	(I.)	124.	
Military Asylum. See Royal Military Asylum.			
Militia; to amend the Laws relating to the Militia of the United Kingdom - - - - -	(U. K.)	13.	
—— to amend the Laws relating to - - - - -	(E.)	105.	
—— for amending the Laws relating to, and raising a Volunteer Militia Force - - - - -	(S.)	106.	
	(I.)	107.	
Militia Pay; to defray the Charge of the Pay, Clothing, &c. of the Disembodied Militia; to grant Allowances, in certain Cases, to Subaltern Officers, &c.; and to authorize the Employment of the Non-commissioned Officers - - - - -	(G. B. & I.)	109.	
Militia Ballots Suspension; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - - - - -	(U. K.)	108.	
Ministers' Money, to amend the Laws relating to - - - - -	(I.)	11.	
Molasses, to alter the Duties of Customs on - - - - -	(U. K.)	29.	
Museum; for the Erection of a Public Museum in Dublin - - - - -	(I.)	99.	
Mutiny; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - -	(U. K.)	4.	
—— for the Regulation of the Royal Marine Forces while on Shore - - - - -	(U. K.)	6.	

N.

National Gallery, &c. (Dublin); for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum in Dublin - - - - -	(I.)	99.
Navy, for the more effectual Manning of, during the present War - - - - -	(U. K.)	18.
Navy Pay; for facilitating the Payment of Her Majesty's Navy, and the Payment and Distribution of Prize, Bounty, Salvage, and other Monies to and amongst the Officers and Crews of Her Majesty's Ships and Vessels of War; and for the better Regulation of the Accounts relating thereto - - - - -	(U. K.)	19.
New Forest, for the Settlement of Claims upon and over - - - - -	(E.)	49.

O.	Cap.
Oaths, to appoint Persons to administer, in the High Court of Admiralty - - - - -	(U. K.) 78.
—— to authorize Justices of the Peace in Ireland to administer Oaths required in Matters relating to Income Tax - - - - -	(G. B. & I.) 1.
Offenders (Youthful), for the better Care and Reformation of - - - - -	(G. B.) 86.
Offices, for granting to Her Majesty additional Duties on Profits arising from - - - - -	(G. B. & I.) 10.
—— for granting to Her Majesty an increased Rate of Duty on Profits arising from - - - - -	(G. B. & I.) 24.
Offices and Employments, annual Indemnity Act for Persons neglecting to qualify for - - - - -	(U. K.) 39.
Ordnance; to facilitate the Purchase of Common, Commonable, and other Rights by the principal Officers of Her Majesty's Ordnance - - - - -	(E.) 67.
Outrage. <i>See</i> Crime and Outrage.	
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Railway and Canal Traffic Regulation Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

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Working Agreements may be entered into between Railway Companies, with the Approval of the Board of Trade ; 2.

Appointment of Joint Committee for carrying the Agreement into effect ; 3.

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Duty of Railway Companies and Railway and Canal Companies having continuous Lines of Communication to make due Arrangements for forwarding Traffic from one Line to another ; 6.

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Complaints as to defective Railway Arrangements after Judgment obtained may be referred to the Board of Trade ; 8.

Upon Reference, the Board of Trade to report on the Arrangements necessary to remedy the Grievance ; 9.

Upon Report of the Board of Trade, the Court to make Orders necessary for giving complete Redress ; 10.

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6 April 1854. 17 VICT.



A

B I L L

FOR

The better Regulation of the Traffic on Railways
and Canals.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS it is expedient to make further Provision for Preamble.
regulating the Traffic on Railways and Canals: Be it
enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

I. In the Construction of this Act "the Board of Trade" "Board of
shall mean the Lords of the Committee of Her Majesty's Privy Trade:"
Council for Trade and Foreign Plantations:

- 10 The Word "Traffic" shall include not only Passengers, and their "Traffic:"
Luggage, and Goods, Animals, and other Things conveyed by
any Railway Company or Railway and Canal Company, but also
Carriages, Waggons, Trucks, and Vehicles of every Description
adapted for running on the Railway of any such Company:
- 15 The Word "Railway" shall include every Station of or belonging "Railway:"
to such Railway or used for the Purposes thereof: and,
[Bill 62.] A The

"Canal."

The Word "Canal" shall include the Wharves and Landing Places of and belonging to such Canal and used for the Purposes thereof :

Working Agreements may be entered into between Railway Companies, with the Approval of the Board of Trade.

II. It shall be lawful for Two or more Railway Companies or Railway and Canal Companies, with the Consent in Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, to enter into Agreements for or in respect of the following Purposes or any of them ; (that is to say,)

The Use and Working by such Companies or any of them, jointly or severally, of all or any Part of their Railways or Canals, and the Use of the Stations, Works, and Conveniences belonging thereto : The Conveyance by such Companies or any of them of the whole or any Part of the Traffic upon the said Railways or Canals or any Part thereof respectively :

The Division and Apportionment of such Traffic between the said Companies :

The Supply of any Rolling or Working Stock required for such Purposes :

The Use or Purchase by any of such Companies of all or any Part of the Rolling or Working Stock belonging to the other or others of them :

The Management, Maintenance, and Repair of the said Railways or Canals :

The Costs and Expenses of such Working, Management, Maintenance, and Repairs :

The Forwarding, Interchange, and Transmission upon or over the respective Railways or Canals of the said Companies of any Passenger or other Traffic which may be conveyed upon and from the Railways or Canals of any of such Companies to and along the Railways or Canals of the other or others of them :

The Collection, Delivery, and general Conduct of such Traffic :

The fixing of the Tolls, Rates, and Charges to be levied or taken by the said Companies or any of them in respect of the Traffic conveyed over their several Railways or Canals or any Part thereof respectively, not exceeding the maximum Tolls, Rates, and Charges authorized by the Acts of Parliament relating to such Railways or Canals respectively :

The Collection, taking, and levying of the said Tolls, Rates, and Charges :

The Division between the said Companies of the Receipts arising from the Traffic upon their respective Railways or Canals or any Part thereof respectively, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by any of the said Companies to the other or others of them by virtue of the said Agreement :

Provided

- Provided that such Companies shall give Notice of their Intention to enter into such Agreement by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in each
- 5 County in which any Part of the Railways or Canals to which such proposed Agreement relates is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade; and
- 10 no Agreement hereafter to be made for any of the Purposes aforesaid, either by virtue of this Act or of any other Act of Parliament, shall be valid, at Law or in Equity, until the same shall have been approved of by the Board of Trade: Provided also, that no such Agreement as aforesaid shall in any Manner alter, affect, increase,
- 15 or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways
- 20 or Canals to which the said Agreement may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, or Charges, as they would have been in case no such Agreement had been entered into.

Public Notice to be given of Intention to enter into Agreement.

Agreement not to affect Persons not Parties thereto.

- III. It shall be lawful for the said Companies (if they think fit),
- 25 by any such Agreement as aforesaid, to appoint a Joint Committee composed of such Number of Directors of the said Companies as the said Companies think proper, and from Time to Time to alter, vary, and renew any such Committee as Occasion requires, and to regulate the Proceedings of such Committee, and to delegate to such
- 30 Committee all such Powers of the said Companies respectively as are necessary for carrying into effect the Purposes of such Agreement; and every such Joint Committee so appointed shall have and may exercise the Powers so for the Time being delegated to them in like Manner as the same might have been had and exercised by the said
- 35 Companies respectively or their respective Directors.

Appointment of Joint Committee for carrying the Agreement into effect.

- IV. Whenever any Difference arises between Two or more Railway or Canal Companies or Railway and Canal Companies, it shall be lawful for such Companies, if they think fit, to refer such Difference to the Decision of the Board of Trade; and it shall be lawful
- 40 for the Board of Trade, if they think fit, and if it appears to them that the Interest or Convenience of the Public is concerned in the Matter, to undertake such Reference, and to make such Order or Decision with respect to the Matters so referred as they think proper,

Disputes between Railway and Canal Companies may be referred to the Board of Trade.

and any Order or Decision so made by the said Board shall be conclusive and binding on the said Companies; and any such Reference may be made a Rule of any of Her Majesty's Superior Courts, on the Application of either Party; and after any such Reference has been made it shall be unlawful for either Party to 5 revoke the same, without the Consent of the other; and if any such Reference be offered by the one Company but refused by the other, it shall be lawful for any Superior Court of Law or Equity, in any Action or Suit between such Companies touching such Difference, if it think fit, and if it be made to appear to the Court 10 that the Interest or Convenience of the Public is concerned in the Matter, to direct that such Reference be made, and to make all necessary Orders for such Purpose, and for giving Effect to and enforcing the Order or Decision to be thereupon made.

Duty of Railway Companies to make Arrangements for receiving and forwarding Traffic, without unreasonable Delay, and without Partiality.

V. And whereas it is right that all reasonable Facilities should 15 be afforded by Railway Companies and Railway and Canal Companies for the receiving, forwarding, and delivering of the Traffic, whether in Passengers or Goods, upon the Railways or Canals belonging to or worked by such Companies, and for the Return of Carriages and Trucks, and that without any undue Preference or Advantage 20 being given by any such Company to or in favour of any particular Person or Company, or any particular Description of Passengers or Goods, whether Minerals or other Goods, and whether in the Form of Parcels or otherwise, either with respect to the Tolls, Rates, or Charges exacted by any such Company on any Part of their Railway or Canal, 25 or in any other respect, and it is expedient that more effectual Provision should be made for enforcing such reasonable Facilities and such Equality of Treatment, in manner herein-after mentioned: Be it enacted as follows: It shall be the Duty of every such Railway Company or Railway and Canal Company as aforesaid, and every such 30 Company is hereby required, anything contained in any Act relating to such Company notwithstanding, to make all such Arrangements as may be necessary for receiving and forwarding upon and delivering from the Railway or Canal of such Company, both in going and returning, without unreasonable Delay and without 35 Partiality, all such Traffic as may lawfully be required to be carried on such Railway or Canal, and for the Return of Carriages and Trucks.

Duty of Railway Companies and Railway and Canal Companies having continu-

VI. It shall be the Duty of every Railway Company and every Railway and Canal Company having or working Lines of Railway or 40 Canal which form Part of a continuous Line of Railway or Railway and Canal Communication, or which have the Terminus, Station, or Wharf of the one near the Terminus, Station, or Wharf of the other, and

and every such Company is hereby required, so to arrange the Trains run by them upon such Railways, and to regulate the Hours of arriving and starting of such Trains at the Points of Junction of such Railways, or the Points where Transit is intended to be made from one of such Lines of Railway or Canal to the other, as that the Traffic arriving by one of such Lines may be forwarded on the other without any unreasonable Delay, and without undue Preference or Partiality, and so that all reasonable Accommodation may be afforded to the Public desirous of using such Railways or Railways and Canals, as a continuous Chain of Communication.

ous Lines of Communication to make due Arrangements for forwarding Traffic from one Line to another.

VII. If any Difference arise between any Two or more such Companies, whether the Terminus, Station, or Wharf of the one is near the Terminus, Station, or Wharf of the other, within the Meaning of this Act, it shall be lawful for the Board of Trade, on the Application of either of the Parties, to decide such Difference, and to declare that the Terminus, Station, or Wharf of the one Company is or is not near the Terminus, Station, or Wharf of the other, within the Meaning of this Act; and every Declaration of the said Board that the Terminus, Station, or Wharf of the one Company is near the Terminus, Station, or Wharf of the other Company, within the Meaning of this Act, shall be published in the London, Edinburgh, or Dublin Gazette, according as the Railways or Canals mentioned therein are situate in England, Scotland, or Ireland; and from and after such Publication, and until the Board of Trade shall have revoked such Declaration by a like Publication, which they are hereby empowered to do, if they think fit, the Termini, Stations, or Wharfs mentioned in such Declaration shall, for all Intents and Purposes, be deemed to be near each other, within the Meaning of this Act.

Board of Trade empowered to declare what Stations are near each other within the Meaning of the Act.

VIII. It shall be lawful for any Company or Person who shall have recovered Judgment or obtained a Decree against any Railway Company or Railway and Canal Company in any Action or Suit in One of Her Majesty's Superior Courts at Westminster or Dublin, or in the Court of Session in Scotland, for Breach of any Duty imposed upon such Company by this Act or any Act for the Time being in force relating to such Company, or otherwise imposed by Law upon such Company, or who otherwise complains of any such Company, with respect to the Arrangements for the receiving, forwarding, or delivering of the Traffic on or from their Railway or Canal, or in providing for the Return of Carriages or Trucks, or with respect to the Times of starting, stopping, or arriving of any of their Trains, or with respect to any undue Preference or Advantage given by such Company to or in favour of any particular Persons or Company, or any particular Description of Passengers or

Complaints as to the defective Arrangements of a Railway Company, after Judgment obtained, may be referred to the Board of Trade.

Goods, with respect to the Tolls, Rates, or Charges exacted by such Company on any Portion of their Railway or Canal, or in any other respect, to apply by Petition in a summary Way, either to the Court in which such Judgment was recovered, or to the High Court of Chancery in England or Ireland, if the Railway or Canal to which the Complaint 5 relates is situate in England or Ireland, praying the Court to which such Application is made to order that the Case be referred to the Board of Trade for their Consideration and Report.

Upon Reference the Board of Trade to report on the Arrangements necessary to remedy the Grievance.

IX. Upon the Hearing of any such Petition, if it appear to the Court that the Case is one which, with a view to devising a more 10 complete Remedy for the Grievance complained of, or preventing the Recurrence thereof, may usefully be referred to the Board of Trade, it shall be lawful for the Court, if it think fit so to do, to direct the Petitioners to apply to the Board of Trade with respect to the Matters complained of, or any of them, or any Questions arising 15 thereon, on which it appears to the Court that the Opinion of the said Board would be useful to the said Court in making the proper Order on such Application, and to give such Directions as it thinks fit as to the Attendance of any other Parties on the said Board; and it shall be lawful for the said Board, if they think fit, to 20 inquire into and consider the Matter of such Application, or any Question so submitted to them, and after considering what is alleged by the opposing Parties, to report to the said Court their Opinion upon the same, and upon any Arrangements as to the Traffic, or any Regulations for conducting the same, or any Adjustment of the 25 Tolls, Rates, and Charges upon the Railway or Railways of such Company or Companies, which appear to the said Board fitted to remedy the Grievance complained of, or to be just or reasonable, under the special Circumstances of the Case; and it shall be lawful for the Board of Trade, upon such Reference being made to them, 30 to institute and prosecute, in such Mode and by such Officers as they think fit, all such Inquiries as they consider necessary for enabling them to form a just Opinion upon the Matters referred to them; and the Costs incurred by the Board of Trade in such Inquiries shall in the first instance be paid by the Petitioners, and 35 shall, as between them and the other Parties to the Inquiry, be deemed to be Part of the Costs in the Matter of such Petition.

Upon Report of the Board of Trade, the Court to make Orders necessary for giving complete Redress.

X. Upon the Report of the Board of Trade being made under any such Reference, it shall be lawful for the said Court either to make such Order, founded wholly or partially on the Report of the 40 said Board, as the Court thinks proper, or again to refer the Case, and any Questions arising thereon, to the Board of Trade, for their further Consideration and Report, and so on toties quoties, and after any

any such further Report to make such Order in the Premises as the Court thinks fit, and to direct all such Acts, Matters, and Things to be done and performed from Time to Time by the Company or Companies complained of, as well as by the Complainants, for giving
5 full Effect to any such Order, and for remedying the Default or Mischief or preventing the Recurrence of the Inconvenience complained of, as such Court sees fit; and it shall be lawful for the Court to make such Order with respect to the further Proceedings in any such Action or Suit as it thinks fit, and also, if it think fit,
10 to order the Petition to be served on any other Company whose Presence as a Party is necessary for a complete Adjudication of the Matter, or to direct any other Proceeding to be taken; and the Company so served shall thereupon be liable to be dealt with by the Court as a Party to such Action or Suit; and it shall be lawful for
15 the Court to make such Order as it thinks fit respecting the Costs of any such Action, Suit, or Petition as aforesaid.

XI. And whereas it may happen that the Traffic of one Railway Company may under the Provisions of this Act be required to be carried over a Portion only of the Railway of another Company, the
20 Construction of which Portion of Railway may have been attended with extraordinary Cost, and it may be just and reasonable in such Cases that the Tolls, Rates, and Charges to be paid for the Use of such Portion of Railway should be greater in proportion than the Tolls, Rates, and Charges payable on such Railway generally: Be it
25 enacted, That in so fixing or adjusting as aforesaid the Tolls, Rates, and Charges to be paid to any Railway Company receiving and forwarding on their Railway the Traffic coming from or intended to be forwarded upon another Railway, the Board of Trade may have regard to any extraordinary Cost properly incurred in the Purchase of Land
30 for or in constructing the Railway so receiving such Traffic, and to any other special Circumstances, and may adjust such Tolls, Rates, and Charges in such Manner as appears to them calculated to leave to each Company the due Remuneration for the Use of its own Railway, and it may fix such Tolls, Rates, and Charges without
35 Reference to the maximum Tolls, Rates, and Charges allowed to be taken on the Railway so receiving such Traffic.

In fixing the Tolls, &c. the Board of Trade may have regard to Cost of making the respective Lines of Railway and other special Circumstances.

XII. No Adjustment of Tolls, Rates, and Charges to be made under the Provisions of this Act between Two or more Companies shall in any Manner alter, affect, increase, or diminish any of the
40 Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Adjustment,

Tolls, &c. payable by other Persons not to be affected by Adjustments of Tolls between Companies.

be entitled to the Use and Benefit, of the Railways or Canals in respect of which such Adjustment shall have been made, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, or Charges as they would have been in case no such Adjustment had been made. 5

Actions, &c.
under this
Act may be
referred to
the Board of
Trade, at the
Instance of
the Defen-
dants, at any
Stage of the
Proceedings.

XIII. In any Action or Suit instituted against any Railway Company or Railway and Canal Company under this Act, if such Company be desirous to refer the Matter in difference to the Decision of the Board of Trade, it shall be lawful for the Court, on the Application of such Company, at any Stage of the Proceedings in such 10 Action or Suit, to direct, if it think fit, that such Reference be made, and to make all necessary Orders for that Purpose, and with respect to further Proceedings in such Action or Suit; and it shall be lawful for the Board of Trade, if they think fit, to undertake such Reference, and to make such Order or Decision with respect to the Matter so referred 15 to them as they think proper; and any Order or Decision so made by the said Board shall be conclusive and binding on the Parties to such Action or Suit; and it shall be lawful for such Court to make all such Orders as are necessary for giving Effect to and enforcing the Order or Decision so made. 20

Power to the
Court to
order a Sum
by way of
liquidated
Damages to
be paid by the
Company for
every Day's
Default in
obeying the
Order of the
Court.

XIV. It shall be lawful for the said Court, if it think fit, for the Purpose of better enforcing any Orders to be made under the Authority of this Act, either in such Order or in any supplemental Order, to direct the Payment of such Sum of Money not exceeding the Sum of *£* Pounds by the Company complained of to the Party 25 complaining, by way of liquidated Damages, or to Her Majesty by way of Penalty, for every Day after a Day to be named in such Order or supplemental Order that such Company shall fail to obey and give full Effect to such Order; and such Damages or Penalty may, without Prejudice to any other Remedy for enforcing the same, be 30 recovered by Action of Debt in any Court of competent Jurisdiction.

Orders, &c.
of the Board
of Trade
how to be
signified.

XV. All Orders, Decisions, Reports, Regulations, Requisitions, or other Acts by this Act authorized or required to be done by the Board of Trade may be signified by a written or printed Document 35 signed by One of the Secretaries or Assistant Secretaries of the said Board; and every Order, Decision, Report, Regulation, Requisition, or other Act signified by a written or printed Document purporting to be so signed as aforesaid shall be deemed to have been duly made, issued, or done by the said Board; and every such Document shall be 40 received in Evidence in all Courts, and before all Justices and others, without Proof of the Authority or Signature of such Secretary or other Officer, or other Proof whatsoever, until it be shown that such Document was not signed by the Authority of the Board.

Railway and Canal Traffic Regulation.

A

B I L L

For the better Regulation of the Traffic
on Railways and Canals.

(*Prepared and brought in by*
Mr. Cardwell and Mr. Solicitor General.)

Ordered, by The House of Commons, to be Printed,
7 April 1854.

[Bill 62.]

Under 2 oz.

Railway and Canal Traffic Regulation Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Interpretation ; Sect. 1.

Duty of Railway Companies to make Arrangements for receiving and forwarding Traffic, without unreasonable Delay, and without Partiality ; 2.

Parties complaining that reasonable Facilities for forwarding Traffic, &c. are withheld, may apply by Petition to the Superior Courts ; 3.

Judges may make such Regulations as may be necessary for Proceedings under this Act ; 4.

Saving Clause ; 5.

1 May 1854. 17 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The better Regulation of the Traffic on Railways and Canals.

[Note.—*The Clauses marked A. to C. were added by the Committee.*]

WHEREAS it is expedient to make better Provision for Preamble.
regulating the Traffic on Railways and Canals: Be it
enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows :

- I. In the Construction of this Act "the Board of Trade" "Board of
Trade:"
shall mean the Lords of the Committee of Her Majesty's Privy
Council for Trade and Foreign Plantations:
- 10 The Word "Traffic" shall include not only Passengers, and their "Traffic:"
Luggage, and Goods, Animals, and other Things conveyed by
any Railway Company or Canal Company, or Railway and Canal
Company, but also Carriages, Waggons, Trucks, Boats, and
Vehicles of every Description adapted for running or passing on
15 the Railway or Canal of any such Company:
- The Word "Railway" shall include every Station of or belonging "Railway:
to such Railway or used for the Purposes thereof: and,
The Word "Canal" shall include the Wharves and Landing Places "Canal."
of and belonging to such Canal and used for the Purposes
20 thereof :

[Bill 82.]

A

The

"Company." The Expression "Railway Company," "Canal Company," or "Railway and Canal Company," shall include any Person being the Owner or Lessee of any Railway or Canal constructed or carried on under the Powers of any Act of Parliament:

Stations. A Station, Terminus, or Wharf shall be deemed to be near another Station, Terminus, or Wharf when the Distance between such Stations, Termini, or Wharves shall not exceed One Mile, and when such Stations are not situate within Miles from St. Paul's Church, in London.

Duty of Rail- II. Every Railway Company and Canal Company and Railway and Canal Company shall afford all reasonable Facilities for the receiving and forwarding and delivering of the Traffic upon and from the Railways and Canals belonging to or worked by such Companies, and for the Return of Carriages, Trucks, Boats, and other Vehicles, and shall not make or give any undue or unreasonable Preference or Advantage to or in favour of any particular Person or Company, or any particular Description of Traffic; and every such Railway Company and Canal Company and Railway and Canal Company having or working Railways or Canals which form Part of a continuous Line of Railway or Canal or Railway and Canal Communication, or which have the Terminus, Station, or Wharf of the one near the Terminus, Station, or Wharf of the other, shall, so far as reasonably and conveniently may be, afford all due and reasonable Facilities for receiving and forwarding all the Traffic arriving by one of such Railways or Canals by the other, without any unreasonable Delay, and without any undue or unreasonable Preference or Partiality, and so that no Obstruction may be offered to the Public desirous of using such Railways or Canals or Railways and Canals as a continuous Line of Communication, and so that all reasonable Accommodation may, by means of the Railways and Canals of the several Companies, be at all Times afforded to the Public in that Behalf.

CLAUSE A. Parties complaining that reasonable Facilities for forwarding Traffic, &c. are withheld, may apply by Motion to the Superior Courts. III. It shall be lawful for any Company or Person complaining against any such Companies or Company of anything done, or of any Omission made in Violation or Contravention of this Act, to apply in a summary Way, by Motion, to One of Her Majesty's Superior Courts at Westminster or Dublin, or to the Court of Session in Scotland, as the Case may be, or to any Judge of any such Court; and, upon the Certificate to Her Majesty's Attorney General in England or Ireland, or Her Majesty's Lord Advocate in Scotland, of the Board of Trade, alleging any such Violation or Contravention of this Act, by any such Companies or Company, it shall be lawful for the said Attorney General or Lord Advocate to apply in like Manner to any such Court or Judge, and thereupon it shall be

lawful for such Court or Judge to hear and determine the Matter of such Complaint; and for that Purpose, if such Court or Judge shall think fit, to direct and prosecute, in such Mode and by such Engineers, Barristers, or other Persons as they shall think proper, all such In-
 5 quiries as may be deemed necessary to enable such Court or Judge to form a just Judgment on the Matter of such Complaint; and if it be made to appear to such Court or Judge, on the Report of any such Persons or otherwise, that any such thing has been done or Omission made in such Violation or Contravention of this Act by such Com-
 10 pany or Companies, it shall be lawful for such Court or Judge to issue a Writ of Injunction or Interdict, restraining such Company or Companies from further continuing such Violation or Contravention of this Act; and such Court or Judge may also, if they or he shall think fit, make an Order directing the Payment by any One or more of such Com-
 15 panies of such Sum of Money as such Court or Judge shall determine, not exceeding for each Company the Sum of Pounds for every Day, after a Day to be named in the Order, that such Company or Companies shall fail to obey such Injunction or Interdict, to the Satisfaction either of the Board of Trade, or of some Barrister,
 20 Engineer, or other competent Person to be named by the Court or Judge in such Order; and such Monies shall be payable as the Court or Judge in such Order may direct, either to the Party complaining in the Way of liquidated Damages, or into Court to abide the ultimate Decision of the Court, or to Her Majesty by way of Penalty; and such
 25 Damages or Penalty may, without Prejudice to any other Mode of recovering the same, be enforced by Attachment or Order in the Nature of a Writ of Execution, in like Manner as if the same had been recovered by Decree or Judgment in any Superior Court at Westminster; and in any such Proceeding as aforesaid, such Court
 30 or Judge may order and determine that all or any Costs thereof or thereon incurred shall and may be paid by or to the one Party or the other, as such Court or Judge shall think fit.

IV. It shall be lawful for the said Courts or the Judges thereof, or any Nine of them, of whom the Lord Chancellor, the Master of the
 35 Rolls, the Lords Chief Justice of the Queen's Bench and Common Pleas, and the Lord Chief Baron of the Exchequer shall be Five, from Time to Time to make all such General Rules and Orders as to the Forms of Proceedings and Process, and all other Matters and Things touching the Practice and otherwise in carrying this Act into execu-
 40 tion before such Courts and Judges as they may think fit.

CLAUSE B.
 Judges may make such Regulations as may be necessary for Proceedings under this Act.

V. Nothing herein contained shall take away or diminish any of the Rights or Privileges of any Person or Company under the existing Law, except so far as they may be inconsistent with this Act.

CLAUSE C.
 Saving Clause.

Railway and Canal Traffic Regulation.

A

BILL

[AS AMENDED IN COMMITTEE]

For the better Regulation of the Traffic
on Railways and Canals.

(*Prepared and brought in by*
Mr. Cardwell and Mr. Solicitor General.)

Ordered, by The House of Commons, to be Printed,
1 May 1854.

[Bill 82.]

Under 1 oz.

Railway and Canal Traffic Regulation Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Preamble.

Interpretation ; Sect. 1.

Duty of Railway Companies to make Arrangements for receiving and forwarding Traffic, without unreasonable Delay, and without Partiality ; 2.

Parties complaining that reasonable Facilities for forwarding Traffic, &c. are withheld, may apply by Petition to the Superior Courts ; 3.

Judges may make such Regulations as may be necessary for Proceedings under this Act ; 4.

Court or Judge may order a Re-hearing ; 5.

Saving Clause ; 6.

Short Title ; 7.

5 May 1854. 17 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

FOR

The better Regulation of the Traffic on Railways and Canals.

[Note.—*The Clauses marked A. to C. were added by the Committee,
and the Clauses marked D. and E. on Re-commitment.*]

WHEREAS it is expedient to make better Provision for Preamble.
regulating the Traffic on Railways and Canals: Be it
enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

- I. In the Construction of this Act "the Board of Trade" "Board of Trade:"
shall mean the Lords of the Committee of Her Majesty's Privy
Council for Trade and Foreign Plantations:
- 10 The Word "Traffic" shall include not only Passengers, and their "Traffic:"
Luggage, and Goods, Animals, and other Things conveyed by
any Railway Company or Canal Company, or Railway and Canal
Company, but also Carriages, Waggons, Trucks, Boats, and
Vehicles of every Description adapted for running or passing on
15 the Railway or Canal of any such Company:
- The Word "Railway" shall include every Station of or belonging "Railway:"
to such Railway used for the Purposes of public Traffic: and,
The Word "Canal" shall include any Navigation whereon Tolls "Canal."
are levied by Authority of Parliament, and also the Wharves and
20 Landing Places of and belonging to such Canal or Navigation,
and used for the Purposes of public Traffic:

[Bill 87.]

A

The

- "Company." The Expression "Railway Company," "Canal Company," or "Railway and Canal Company," shall include any Person being the Owner or Lessee of or any Contractor working any Railway or Canal or Navigation constructed or carried on under the Powers of any Act of Parliament: 5
- Stations. A Station, Terminus, or Wharf shall be deemed to be near another Station, Terminus, or Wharf when the Distance between such Stations, Termini, or Wharves shall not exceed One Mile, such Stations not being situate within Five Miles from St. Paul's Church, in London. 10
- Duty of Rail-
way Com-
panies to
make Ar-
rangements
for receiving
and forward-
ing Traffic,
without un-
reasonable
Delay, and
without
Partiality. II. Every Railway Company, Canal Company, and Railway and Canal Company, shall afford all reasonable Facilities for the receiving and forwarding and delivering of Traffic upon and from the several Railways and Canals belonging to or worked by such Companies respectively, and for the Return of Carriages, Trucks, Boats, and other Vehicles, 15 and no such Company shall make or give any undue or unreasonable Preference or Advantage to or in favour of any particular Person or Company, or any particular Description of Traffic, in any respect whatsoever, nor shall any such Company subject any particular Person or Company, or any particular Description of Traffic, to any 20 undue or unreasonable Prejudice or Disadvantage in any respect whatsoever; and every Railway Company and Canal Company and Railway and Canal Company having or working Railways or Canals which form Part of a continuous Line of Railway or Canal or Railway and Canal Communication, or which have the Terminus, Station, or 25 Wharf of the one near the Terminus, Station, or Wharf of the other, shall afford all due and reasonable Facilities for receiving and forwarding all the Traffic arriving by one of such Railways or Canals by the other, without any unreasonable Delay, and without any such Preference or Advantage, or Prejudice or Disadvantage, as aforesaid, 30 and so that no Obstruction may be offered to the Public desirous of using such Railways or Canals or Railways and Canals as a continuous Line of Communication, and so that all reasonable Accommodation may, by means of the Railways and Canals of the several Companies, be at all Times afforded to the Public in that Behalf. 35

CLAUSE A. Parties complaining that reasonable Facilities for forwarding Traffic, &c. are withheld, may apply by Motion to the Superior Courts. III. It shall be lawful for any Company or Person complaining against any such Companies or Company of anything done, or of any Omission made in Violation or Contravention of this Act, to apply in a summary Way, by Motion, to One of Her Majesty's Superior Courts at Westminster or Dublin, or to the Court of Session 40 in Scotland, as the Case may be, or to any Judge of any such Court; and, upon the Certificate to Her Majesty's Attorney General in England or Ireland, or Her Majesty's Lord Advocate in Scotland, of the Board

Board of Trade, alleging any such Violation or Contravention of this Act by any such Companies or Company, it shall also be lawful for the said Attorney General or Lord Advocate to apply in like Manner to any such Court or Judge, and in either of such Cases it shall be
5 lawful for such Court or Judge to hear and determine the Matter of such Complaint; and for that Purpose, if such Court or Judge shall think fit, to direct and prosecute, in such Mode and by such Engineers, Barristers, or other Persons as they shall think proper, all such Inquiries as may be deemed necessary to enable such Court or Judge to
10 form a just Judgment on the Matter of such Complaint; and if it be made to appear to such Court or Judge on such Hearing, or on the Report of any such Person, that any such Thing has been done or Omission made, in Violation or Contravention of this Act, by such Company or Companies, it shall be lawful for such Court or Judge to issue
15 a Writ of Injunction or Interdict, restraining such Company or Companies from further continuing such Violation or Contravention of this Act; and such Court or Judge may also, if they or he shall think fit, make an Order directing the Payment by any One or more of such Companies of such Sum of Money as such Court or Judge shall determine,
20 not exceeding for each Company the Sum of Two hundred Pounds for every Day, after a Day to be named in the Order, that such Company or Companies shall fail to obey such Injunction or Interdict; and such Monies shall be payable as the Court or Judge may direct, either to the Party complaining, or into Court to abide the ultimate
25 Decision of the Court, or to Her Majesty, and Payment thereof may, without Prejudice to any other Mode of recovering the same, be enforced by Attachment or Order in the Nature of a Writ of Execution, in like Manner as if the same had been recovered by Decree or Judgment in any Superior Court at Westminster; and
30 in any such Proceeding as aforesaid, such Court or Judge may order and determine that all or any Costs thereof or thereon incurred shall and may be paid by or to the one Party or the other, as such Court or Judge shall think fit; and it shall be lawful for any such Engineer, Barrister, or other Person, if directed so to do by such Court
35 or Judge, to receive Evidence on Oath relating to the Matter of any such Inquiry, and to administer such Oath.

IV. It shall be lawful for the said Courts or the Judges thereof, or any Nine of them, of whom the Lord Chancellor, the Master of the Rolls, the Lords Chief Justice of the Queen's Bench and Common
40 Pleas, and the Lord Chief Baron of the Exchequer, shall be Five, from Time to Time to make all such General Rules and Orders as to the Forms of Proceedings and Process, and all other Matters and Things touching the Practice and otherwise in carrying this Act into execution before such Courts and Judges, as they may think fit.

CLAUSE B.
Judges may make such Regulations as may be necessary for Proceedings under this Act.

4 *Railway and Canal Traffic Regulation.*

CLAUSE D. V. Upon the Application of any Party aggrieved by the Order
Court or made upon any such Motion as aforesaid, it shall be lawful for the
Judge may Court or Judge by whom such Order was made, to direct, if they
order a Re- think fit so to do, such Motion to be reheard before such Court or
hearing. Judge, and upon such Rehearing to rescind or vary such Order. 5

CLAUSE C. VI. Nothing herein contained shall take away or diminish any of
Saving the Rights or Privileges of any Person or Company under the existing
Clause. Law, except so far as they may be inconsistent with this Act.

CLAUSE E. VII. This Act may be cited for all Purposes as "The Railway
Short Title. and Canal Traffic Act, 1854." 10

**Railway and Canal
Traffic Regulation.**

A

B I L L

[AS AMENDED IN COMMITTEE AND ON
RE-COMMITMENT]

For the better Regulation of the Traffic
on Railways and Canals.

*(Prepared and brought in by
Mr. Cardwell and Mr. Solicitor General.)*

*Ordered, by The House of Commons, to be Printed,
5 May 1854.*

[Bill 87.]

Under 1 oz.

LORDS AMENDMENTS

TO THE

RAILWAY AND CANAL TRAFFIC REGULATION BILL.

Page 2. Line 12. After ("shall") insert ("according to their respective Powers")

Line 35. After ("Behalf") insert ("Provided always, that
" nothing herein contained shall be construed to prevent the said
" Companies from making such Conditions with respect to the
" receiving, forwarding, and delivering of any of the said Animals,
" Articles, Goods, or Things as shall be adjudged by the Court or
" Judge before whom any Question relating thereto shall be tried to
" be just and reasonable")

Line 39. Leave out ("to one of") and insert ("in England
" to")

Line 40. Leave out ("Superior Courts") and insert
("Court of Common Pleas"), and in the same Line after the First
("or") insert ("in Ireland to any of Her Majesty's Superior Courts
" in"), and also in the same Line after the Second ("or") insert ("in
" Scotland")

Page 3. Line 12. Leave out the Second ("such")

Page 4. Line 1. Leave out ("Courts or") and insert ("Court
" of Common Pleas at Westminster, or any Three of") and in the
same Line after ("thereof") insert ("of whom the Chief Justice
" shall be one, and it shall be lawful for the said Courts in Dublin")

Line 2. Leave out ("them") and insert ("the Judges
" thereof")

Line 13. After ("Motion") insert ("or Summons")

Line 15. After ("Motion") insert ("or Application on
" Summons")

Line 18. Leave out ("this Act") and insert ("the above
" Enactments")

Line 19. Leave out ("of the") and in the same Line after
("Rights") insert ("Remedies")

Line 20. After ("Company") insert ("against any
" Railway or Canal or Railway and Canal Company"), and in the
same

same Line and in Line 21. leave out ("except so far as they may be inconsistent with this Act") and insert Clause A.

CLAUSE (A.)

Every such Company as aforesaid shall be liable for the Loss of or for any Injury done to any Horses, Cattle, or other Animals, or to any Articles, Goods, or Things, in the receiving, forwarding, or delivering thereof, occasioned by the Neglect or Default of such Company or its Servants, notwithstanding any Notice, Condition, or Declaration made and given by such Company contrary thereto, or in anywise limiting such Liability, every such Notice, Condition, or Declaration being hereby declared to be null and void: Provided always, that no greater Damages shall be recovered for the Loss of or for any Injury done to any of such Animals beyond the Sums herein-after mentioned, (that is to say,) for any Horse, Fifty Pounds, for any Neat Cattle, per Head, Fifteen Pounds, for any Sheep or Pigs, per Head, Two Pounds, unless the Person sending or delivering the same to such Company shall at the Time of such Delivery have declared them to be respectively of higher Value than as above mentioned: Provided also, that the Proof of the Value of such Animals, Articles, Goods, and Things, and the Amount of the Injury done thereto, shall in all Cases lie upon the Person claiming Compensation for such Loss or Injury: Provided also, that no special Contract between such Company and any other Parties, respecting the receiving, forwarding, or delivering of any Animals, Articles, Goods, or Things as aforesaid, shall be binding upon or affect any such Party, unless the same be signed by him, or by the Person delivering such Animals, Articles, Goods, or Things respectively for Carriage: Provided also, that nothing herein contained shall alter or affect the Rights, Privileges, or Liabilities of any such Company under the said Act of the Eleventh George the Fourth and First William the Fourth, Chapter Sixty-eight, with respect to Articles of the Descriptions mentioned in the said Act.

LORDS AMENDMENTS

TO THE

RAILWAY AND CANAL TRAFFIC
REGULATION BILL.

*Ordered, by The House of Commons, to be Printed,
16 June 1854.*

314.

Under 1 oz.

6 April 1853. 17 VICT.



A

BILL

TO

Amend certain Rules of Law and Equity relating
to the Administration of deceased Persons.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS it is expedient that certain Rules of Law and Equity whereunder the Real and Personal Assets of deceased Persons are administered should be amended: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with
5 the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows:

I. From and after the *passing of this Act*, where any Person shall die seised of or entitled to any Estate or Interest in any Land which shall at the Time of his Death be charged with the Payment of any Sum or Sums of Money by way of Mortgage, and such Person shall not by his Will have signified any contrary or other Intention, the Heir or Devisee to whom such Land shall descend or be devised shall not be entitled to have the Mortgage Debt discharged or satisfied out of the Personal Estate, but the Lands shall, as between the different Persons claiming through or under the deceased Person, become primarily liable to the Payment of all Mortgage Debts with which the same shall be charged, every Part thereof bearing a proportionate Part of the Mortgage Debts charged as the whole thereof: 10
20 Provided always, that nothing herein contained shall affect or
[Bill 65.] diminish
Heir or Devisee of Real Estate not to claim Payment of Mortgage out of Personal Assets.

diminish any Right of the Mortgagee on such Lands to obtain full Payment or Satisfaction of his Mortgage Debt either out of the Personal Estate of the Person so dying as aforesaid or otherwise.

Residue to
be Personal
Estate.

II. From and after the *passing of this Act*, when any Person shall die seised of or entitled to any Land for an Estate of Inheritance, 5 and shall have by his Will directed the same to be sold for the Payment of his Debts or the Purposes of his Will, then, unless such Person shall by his Will have signified any contrary or other Intention, the Land so demised shall be deemed by a Court of Equity to be converted into Personal Estate, and the whole, or any Portion thereof 10 that may not be required for the Purposes mentioned in the Will, shall be divided under the Statute for the Distribution of the Estates of Intestates.

Real Estate Charges.

A

BILL

TO

Amend certain Rules of Law and Equity
relating to the Administration of de-
ceased Persons.

(*Prepared and brought in by*
Mr. Locke King, Mr. Headlam, and Mr. Massey.)

Ordered, by The House of Commons, to be Printed,
6 April 1854.

[Bill 65.]

Under 1 oz.

10 July 1854. 17 & 18 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF
BILL AS AMENDED]

TO

Amend certain Rules of Law and Equity relating
to the Administration of deceased Persons.

[Note.—The Clause marked A. was added on Consideration of
Bill as amended.]

WHEREAS it is expedient that certain Rules of Law and Preamble.
Equity whereunder the Real and Personal Assets of
deceased Persons are administered should be amended:

Be it enacted by the Queen's most Excellent Majesty, by and with
5 the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows:

I. From and after the passing of this Act, where any Person shall
die seised of or entitled to any Estate or Interest in any Land
10 which shall at the Time of his Death be charged with the Payment
of any Sum or Sums of Money by way of Mortgage, and such
Person shall not, by his Will or Deed or other Document, have
signified any contrary or other Intention, the Heir or Devisee to
whom such Land shall descend or be devised shall not be entitled to
15 have the Mortgage Debt discharged or satisfied out of the Personal
Estate, but the Lands shall, as between the different Persons claiming
through or under the deceased Person, become primarily liable to
the Payment of all Mortgage Debts with which the same shall be
charged, every Part thereof according to its Value bearing a propor-
20 tionate Part of the Mortgage Debts charged on the whole thereof:

[Bill 196.]

Provided

Heir or De-
visee of Real
Estate not to
claim Pay-
ment of
Mortgage
out of Per-
sonal Assets.

Provided always, that nothing herein contained shall affect or diminish any Right of the Mortgagee on such Lands to obtain full Payment or Satisfaction of his Mortgage Debt either out of the Personal Estate of the Person so dying as aforesaid or otherwise.

Residue to
be Personal
Estate.

II. From and after the passing of this Act, when any Person shall 5
die seised of or entitled to any Land for an Estate of Inheritance,
and having the Power to dispose of the same by Will, and shall have
by his Will directed the same to be sold for the Payment of his
Debts or the Purposes of his Will, then, unless such Person shall by
his Will have signified any contrary or other Intention, the Land so 10
devised shall be deemed by a Court of Equity to be converted into
Personal Estate, and the whole, or any Portion thereof that may not
be required for the Purposes mentioned in the Will, shall be divided
under the Statute for the Distribution of the Estates of Intestates.

CLAUSE A.
Extent of
Act.

III. This Act shall not extend to Scotland.

Real Estate Charges.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF BILL AS AMENDED]

TO

Amend certain Rules of Law and Equity relating to the Administration of deceased Persons.

(*Prepared and brought in by
Mr. Locke King, Mr. Headlam, and Mr. Massey.*)

*Ordered, by The House of Commons, to be Printed,
10 July 1854.*

[Bill 196.]

Under 1 oz.



(Scotland.)

A

B I L L

TO

Render Reformatory and Industrial Schools in
Scotland more available for the Benefit of juvenile
Delinquents and vagrant Children.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS it is expedient that Reformatory and Industrial Preamble.
Schools in Scotland should be made more available for
the Education and Training of juvenile Delinquents and
vagrant Children: Be it therefore enacted by the Queen's most
5 Excellent Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, as follows :

1. From and after the *passing of this Act*, when any Boy or Girl, Sheriff or
apparently under the Age of *Sixteen Years*, shall be brought before Magistrate
10 any Sheriff or Magistrate charged with any Offence which it is com- may, on
petent for such Sheriff or Magistrate to try, and where it appears to Conviction,
such Sheriff or Magistrate that such young Person has been neglected send Juvenile
in Education or in moral and industrial Training, or that it is otherwise Offender to
15 Conviction of such young Person, either to continue the Diet for pass- School.
ing Sentence *sine die*, or to sentence him or her to such competent
summary Punishment as he may see fit, or where under the Circum-
stances
- [Bill 104.] A

stances it shall appear to him more expedient, at once and simpliciter to discharge such young Person from any Sentence of Punishment upon such Conviction; and also in any of these Cases, by a Writing under his Hand, according to the Form or as near thereto as may be contained in the Schedule (A.) hereto annexed, to order such young Person to be sent to any Reformatory School, Industrial School, or other similar Institution which may have been sanctioned by the Lord Advocate of Scotland for the Purposes of this Act, the Directors or Managers of which may be willing to receive such young Person; to be thereat detained for such Period of Time as may be deemed necessary for his or her Education and Training, which Period shall be not less than *One Year*; provided always, that such young Person shall not be detained there beyond the Age of *Eighteen Years* without his or her Consent.

Juvenile
Offender
deserting to
be sentenced.

II. In the event of any such Young Person against whom, after Conviction, the Diet has been continued as aforesaid wilfully deserting from and refusing to return to such School or Institution, before attaining the Age of *Eighteen Years* or being regularly discharged therefrom, then he or she may be brought up before the said Sheriff or Magistrate, and Sentence may be given in such Manner as it might have been given at first notwithstanding the Lapse of Year and Day from the Date of Conviction; but in the event of such young Person continuing to attend such School or Institution until regularly discharged therefrom by the Directors or Managers, with Consent of the convicting or other acting Magistrate, no Sentence or Punishment shall follow on the Conviction, nor shall such Conviction be charged or deemed an Aggravation of any subsequent Offence of the like Kind.

Sheriff or
Magistrate
may send
vagrant Ju-
veniles to
School unless
Security
found for
good Be-
haviour.

III. When any young Person apparently under the Age aforesaid, shall, from and after the *passing of this Act*, be found begging or wandering, not having any Home or settled Place of Abode or proper Guardianship, and having no lawful or visible Means of Subsistence, though not charged with any actual Offence, and shall be brought by any Constable or Police Officer before any Sheriff or Magistrate, it shall be lawful for the said Sheriff or Magistrate to inquire into the Circumstances of the Case, and, wherever such can be conveniently done, to hear the Parents, Guardians, or other Persons interested in such young Person, and to require from such Parents or Guardians Security for his or her good Behaviour, enacted in the Books of Court according to the Form (or as near thereto as may be) contained in the Schedule (B.) annexed hereto, such Security to be for any Sum not less than *One Pound* and not more than *Five Pounds*, and for any Period not exceeding *Twelve Calendar Months*, and in default of such Security being found within such short Space as to such Sheriff or

or Magistrate may seem proper, it shall be lawful for him to order by a Writing under his Hand, according to the Schedule (A.), or as near thereto as may be, such young Person forthwith to be transmitted to and received at any Reformatory School, Industrial School, or other similar Institution sanctioned as aforesaid, the Directors or Managers of which may be willing to receive such young Person, for such Period of Time as may appear necessary for his or her Education and Training, but such young Person shall not be detained beyond the Age of *Eighteen Years* without his or her Consent; and on such Security as aforesaid being at any Time found, the committing or other acting Magistrate for the Time being may order the Discharge of such young Person from any such School or Institution.

IV. If any young Person who shall be in either Way herein-before provided for, sent to any such School or Institution, shall wilfully leave and abscond therefrom before attaining the Age of *Eighteen Years*, or being duly discharged therefrom and shall refuse to return, it shall be lawful to the committing or any other acting Magistrate, on summary Complaint at the Instance of any Officer of the said School or Institution, (and which Complaint shall be conducted in the Forms, or as nearly as may be, and subject to all the Provisions of the Act of the Ninth Year of King George the Fourth, Chapter Twenty-nine,) to punish such young Person by Whipping, or by Imprisonment for any Term not exceeding *Three Calendar Months*, in addition to any Punishment to follow on any recorded Conviction, and if he shall see proper to order that such young Person be thereafter re-admitted to such School in manner foresaid.

Punishment on Juveniles leaving and refusing to return to School.

V. When any young Person has been sent by any Sheriff or Magistrate to such School or Institution sanctioned as aforesaid, any Person who shall directly or indirectly wilfully withdraw or attempt to withdraw such young Person from such School or Institution before he or she has been regularly discharged therefrom, or who shall knowingly conceal or harbour such young Person, or otherwise prevent his or her Return thereto, then such Person so offending shall be liable in a Penalty not exceeding *Five Pounds*, to be recovered on summary Complaint before any Sheriff or Magistrate at the Instance of any Officer of such School or Institution, or any Person authorized by the Directors or Managers, with Concurrence of the Public Prosecutor, and, failing Payment, the Offender may be imprisoned for any Period not exceeding *Sixty Days*; and such Penalty, deducting the Expense of Prosecution, shall be paid over to the Treasurer of the Institution in which such young Person was placed and for behoof thereof.

Penalty on Persons wilfully withdrawing Juveniles from School.

Parents and others may be prosecuted for Support of Juveniles in School.

VI. In every Case where any such young Person has been sent by any Sheriff or Magistrate to such School or Institution as aforesaid, it shall be competent for the Treasurer or other Officer thereof to demand and receive from, and the Sheriff or other Magistrate shall order the Parents of such young Person or other Persons liable for his or her Maintenance and Support, to grant an Obligation for Payment of the Expenses incurred by the said School or Institution for such young Person, in the Form set forth in the Schedule (C.) annexed to this Act; and it shall be lawful to any such Treasurer or other Officer to sue the Parents of such young Person or other Persons who may be liable to support him or her for Payment of such Expenses, and to recover the same, or such Portion thereof as the said Sheriff or other Magistrate may deem to be reasonable, from such Parents and others, and in respect of the alimentary Nature of the Claim, with Power to imprison on the Decree. 15

Convicted Juveniles to be paid for by Prison Board, and vagrant Juveniles by Parochial Board.

VII. Where any young Person shall, on Conviction of an Offence, be sent to such School or Institution, and where the Cost of Support of such young Persons has not been received from the Parents of such young Person or other Parties liable for his or her Support, it shall be competent for the Treasurer or other Officer of such Institution, or other Person authorized by the Directors or Managers, to receive and recover the Cost of such Support and other Expenses of such young Person from the Prison Board of the County within which the Offence was committed, and such Cost is hereby declared to be a valid Charge upon the Funds under the Management of such Prison Board, under the Acts of the Second and Third Victoria, Chapter Forty-two, and Seventh and Eighth Victoria, Chapter Thirty-four; and wherever any young Person, without Conviction of actual Offence, is sent to such School or Institution under the Provisions of the Third Section hereof, then it shall be competent for the Treasurer or other Officer of such Institution, or other Person authorized by the Directors thereof, to receive and recover the Cost of such Support and other Expenses from the Parochial Board of the Parish on which such young Person, if a Pauper, would have been chargeable in the first instance; and the Cost is hereby declared to form a valid Charge upon the Funds within the Management of the said Parochial Board, under the Act Eighth and Ninth Victoria, Chapter Eighty-three, declaring that such Sums shall be annually on the Thirty-first of December in every Year charged against the said Prison Board and Parochial Board respectively for the Year then ending, and shall be recoverable and sued for within *Three* Months after the Lapse of every such Year, and not thereafter, and the Amount may be sued for under the Sheriff Small Debt Act, First Victoria, Chapter Forty-one, as amended by the Seventeenth and Eighteenth Victoria, Chapter Eighty, although the 35 40

the Amount be greater than the Sum to which the Prosecutions by the said Acts is limited; and on Payment of the said Sums the said Prison Board and Parochial Board shall have all competent Remedy for Relief and Recovery of the Sums paid by them against all Persons or Parishes bound in Relief and Payment thereof.

VIII. It shall be lawful for the Directors and Managers of such Schools and Institutions as aforesaid to make all necessary Rules, Orders, and Byelaws for the Regulation and Management of the Schools and Institutions as aforesaid under their Charge, not repugnant to the Provisions of this Act, but no such Rules, Orders, or Byelaws shall be enforced until they have been submitted to and approved by the said Lord Advocate of Scotland.

Power to
make Rules,
Byelaws,
&c.

IX. It shall be lawful for the Education Committee of Her Majesty's Privy Council, out of the Monies at their Disposal voted by Parliament for the Purposes of Education, to grant to the Directors or Managers of any such School or Institution sanctioned as aforesaid, who may be willing to receive such young Persons as aforesaid, such Aid as they may judge proper towards the Erection of suitable Buildings, and the annual Expense of such School or Institution, under such Regulations as to the Accommodation required and the Qualification of Teachers as the Committee of Council may prescribe; and all Schools and Institutions receiving such Aid shall be open to the Inspection of Her Majesty's Inspector of Schools, or to any other Inspector specially appointed for the Inspection thereof.

Aid from
Education
Committee of
Privy Council.

SCHEDULE A.

At _____ the _____ Day of _____ I
 [A.B. Sheriff or Magistrate of _____] under
 the Powers of the Reformatory Schools (Scotland) Act, 1854, hereby
 order, that C.D. belonging to _____ and apparently
 of the Age of _____ Years, and who was charged before me under
 the First Section of the said Act, [or, who was brought before me
 under the Second Section of the said Act,] to be taken to the
 _____ School, at _____, therein
 to be detained, under the Powers and Provisions contained in the said
 recited Act, until he be duly discharged therefrom or attain the Age
 of *Eighteen* Years.

Given under my Hand, Date and Place foresaid.

SCHEDULE B.

I or We [name and design the Cautioners] do hereby judicially
 enact ourselves in the Books of the _____ Court,
 at _____ and bind and oblige [myself or ourselves,
 my or our Heirs, Executors, and Successors, jointly and severally,]
 under the Penalty of _____ for the good Behaviour of
 A.B. belonging to _____ and that for the Period
 of _____ Calendar Months, all in Terms of the Second
 Section of the Reformatory Schools (Scotland) Act, 1854.

Subscribed by me [or us] at _____ the _____ Day
 of _____, before these Witnesses.

A.B. and C.D.

SCHEDULE C.

I or We [name and design the Obligants] do hereby judicially enact ourselves in the Books of the _____ Court at _____ and bind and oblige [myself or ourselves, my or our Heirs, Executors, and Successors, jointly and severally,] regularly to pay to _____, the Treasurer of the _____ School, at _____, or to his Successor in Office, or to any other Officer of said School for the Time being, the Sum of _____ each Week, [or Month or other Period, as may be agreed on and ordered,] for and on account of _____ his [or her] Expenses in the said School, and that so long as [he or she] shall continue in the said School; all in Terms of the Reformatory Schools (Scotland) Act, 1854.

Subscribed by me [or us] at _____ the
Day of _____ before these Witnesses,
A.B. and C.D.

Reformatory Schools.

(Scotland.)

A

B I L L

To render Reformatory and Industrial
Schools in Scotland more available for
the Benefit of juvenile Delinquents
and vagrant Children.

*(Prepared and brought in by
Mr. Dunlop, Mr. Kinnaird, and Mr. Adderley.)*

*Ordered, by The House of Commons, to be Printed,
18 May 1854.*

[Bill 104.]

Under 1 oz.

18 May 1854. 17 VICT.



(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Render Reformatory and Industrial Schools in
Scotland more available for the Benefit of juvenile
Delinquents and vagrant Children.

[Note.—*The Clause marked A: was added in Committee.*]

WHEREAS it is expedient that Reformatory and Industrial Preamble.
Schools in Scotland should be made more available for
the Education and Training of juvenile Delinquents and
vagrant Children: Be it therefore enacted by the Queen's most
5 Excellent Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, as follows:

1. From and after the passing of this Act, when any Boy or Girl, Sheriff or
apparently under the Age of Twelve Years, shall be brought before Magistrate
10 any Sheriff or Magistrate charged with any Offence which it is com- may, on
petent for such Sheriff or Magistrate to try, it shall be lawful for Conviction,
such Sheriff or Magistrate, upon the Conviction of such young send Juvenile
Person, either without passing Sentence or in addition to any Sentence Offender to
15 according to the Form or as near thereto as may be contained School.
in the Schedule (A.) hereto annexed, to order such young Person
[Bill 136.] A to

to be sent to any Reformatory School, Industrial School, or other similar Institution which may have been sanctioned by the Lord Advocate of Scotland for the Purposes of this Act, the Directors or Managers of which may be willing to receive such young Person; to be thereat detained for such Period of Time as may be deemed 5 necessary for his or her Education and Training, which Period shall be not less than One Year; provided always, that such young Person shall not be detained there beyond the Age of Fifteen Years without his or her Consent.

Sheriff or Magistrate may send vagrant Juveniles to School unless Security found for good Behaviour.

II. When any young Person apparently under the Age of Twelve 10 Years shall, from and after the passing of this Act, be found begging or wandering, not having any Home or settled Place of Abode or proper Guardianship, and having no lawful or visible Means of Subsistence, though not charged with any actual Offence, and shall be brought by any Constable or Police Officer before any Sheriff or Magistrate, it shall 15 be lawful for the said Sheriff or Magistrate, after due Inquiry, and unless the Parents, Guardians, or other Persons interested in such young Person, shall appear and find Security for his or her good Behaviour, enacted in the Books of Court according to the Form (or as near thereto as may be) contained in the Schedule (B.) an- 20 nexed hereto, such Security to be for any Sum not less than One Pound and not more than Five Pounds, and for any Period not exceeding Twelve Calendar Months, if he shall see cause, to order by a Writing under his Hand, according to the Schedule (A.), or as near thereto as may be, such young Person forthwith to be transmitted to 25 and received at any Reformatory School, Industrial School, or other similar Institution sanctioned as aforesaid, the Directors or Managers of which may be willing to receive such young Person, for such Period of Time as may appear necessary for his or her Education and Training, but such young Person shall not be detained beyond 30 the Age of Fifteen Years without his or her Consent; and on such Security as aforesaid being at any Time found, the committing or other acting Magistrate for the Time being may order the Discharge of such young Person from any such School or Institution.

Punishment on Juveniles leaving and refusing to return to School.

III. If any young Person who shall be sent to any such School or 35 Institution, under the Provisions of this Act, shall wilfully leave and abscond therefrom before attaining the Age of Fifteen Years, or being duly discharged therefrom and shall refuse to return, it shall be lawful to the committing or any other acting Magistrate, on summary Complaint at the Instance of any Officer of the said 40 School or Institution, (and which Complaint shall be conducted in the Forms, or as nearly as may be, and subject to all the Provisions of the Act of the Ninth Year of King George the Fourth, Chapter
Twenty-

Twenty-nine,) to punish such young Person by Whipping, or by Imprisonment for any Term not exceeding Sixty Days, in addition to any Punishment to follow on any recorded Conviction, and if he shall see proper to order that such young Person be thereafter
5 re-admitted to such School in manner foresaid.

IV. When any young Person has been sent by any Sheriff or Magistrate to such School or Institution sanctioned as aforesaid, any Person who shall directly or indirectly wilfully withdraw such young Person from such School or Institution or induce him or her to abscond there-
10 from, before he or she has been regularly discharged or who shall knowingly conceal or harbour such young Person, or otherwise prevent his or her Return thereto, then such Person so offending shall be liable in a Penalty not exceeding Five Pounds, to be recovered on summary Complaint before any Sheriff or Magistrate at the Instance of any
15 Officer of such School or Institution, or any Person authorized by the Directors or Managers, with Concurrence of the Public Prosecutor, and, failing Payment, the Offender may be imprisoned for any Period not exceeding Sixty Days; and such Penalty, deducting the Expense of Prosecution, shall be paid over to the Treasurer of the
20 Institution in which such young Person was placed and for behoof thereof.

Penalty on Persons wilfully withdrawing Juveniles from School.

V. In every Case where any such young Person has been sent by any Sheriff or Magistrate to such School or Institution as aforesaid, it shall be competent for the Treasurer or other Officer thereof to
25 to sue the Parents of such young Person or other Persons who may be liable to support him or her for Payment of the Expenses incurred by the said School or Institution in regard to such young Person, and to recover the same by Action in the Sheriff's Small Debt Court: Provided always, that the Sheriff may, on Cause shown,
30 modify such Sum in Name of such Expenses as he shall think reasonable, or remit such Sum altogether as in the Circumstances of the Case may seem just.

Parents and others may be prosecuted for Support of Juveniles in School.

VI. Where any young Person shall, on Conviction of an Offence, be sent to such School or Institution, and where the Cost of Support
35 of such young Person has not been received from the Parents of such young Person or other Parties liable for his or her Support, it shall be competent for the Treasurer or other Officer of such Institution, or other Person authorized by the Directors or Managers, to recover the Cost of such Support and other Expenses of such
40 young Person, or any Balance thereof unpaid, from the Prison Board of the County within which the Offence was committed,

Convicted Juveniles to be paid for by Prison Board, and vagrant Juveniles by Parochial Board.

and such Cost is hereby declared to be a valid Charge upon the Funds under the Management of such Prison Board, under the Acts of the Second and Third Victoria, Chapter Forty-two, and Seventh and Eighth Victoria, Chapter Thirty-four; and wherever any young Person, without Conviction of actual Offence, is sent to 5 such School or Institution under the Provisions of the Third Section hereof, then it shall be competent for the Treasurer or other Officer of such Institution, or other Person authorized by the Directors thereof, to receive and recover the Cost of such Support and other Expenses from the Parochial Board of the Parish on which such young Person, 10 if a Pauper, would have been chargeable in the first instance; and the Cost is hereby declared to form a valid Charge upon the Funds within the Management of the said Parochial Board, under the Act Eighth and Ninth Victoria, Chapter Eighty-three, declaring that such Sums shall be annually on the Thirty-first of December in 15 every Year charged against the said Prison Board and Parochial Board respectively for the Year then ending, and shall be sued for within Three Months after the Lapse of every such Year, and not thereafter, and the Amount may be sued for under the Sheriff Small Debt Act, First Victoria, Chapter Forty-one, as amended by 20 the Seventeenth and Eighteenth Victoria, Chapter Eighty, although the Amount be greater than the Sum to which the Prosecutions by the said Acts is limited; and on Payment of the said Sums the said Prison Board and Parochial Board shall have all competent Remedy for Relief and Recovery of the Sums paid by them against all Persons 25 or Parishes bound in Relief and Payment thereof.

Power to
make Rules,
&c.

VII. It shall be lawful for the Directors and Managers of such Schools and Institutions as aforesaid to make all necessary Rules, Orders, and Byelaws for the Regulation and Management of the Schools and Institutions as aforesaid under their Charge, not repug- 30 nant to the Provisions of this Act, but no such Rules, Orders, or Byelaws shall be enforced until they have been submitted to and approved by the said Lord Advocate of Scotland.

Aid from
Education
Committee of
Privy Coun-
cil.

VIII. It shall be lawful for the Education Committee of Her Majesty's Privy Council, out of the Monies at their Disposal voted by Parlia- 35 ment for the Purposes of Education, to grant to the Directors or Managers of any such School or Institution sanctioned as aforesaid, who may be willing to receive such young Persons as aforesaid, such Aid as they may judge proper towards the Erection of suitable Buildings, and the annual Expense of such School or Institution, under 40 such Regulations as to the Accommodation required and the Qualification of Teachers as the Committee of Council may prescribe; and all

all Schools and Institutions receiving such Aid shall be open to the Inspection of Her Majesty's Inspector of Schools, or to any other Inspector specially appointed for the Inspection thereof.

CLAUSE A.

IX. Nothing in this Act contained shall be construed to prevent
5 any Parochial Board on whose Funds the Cost of Support of any such
young Person as aforesaid shall have become a Charge, from adopting
such Steps for his or her Removal as may be competent to them under
the Provisions of the Eighth and Ninth Victoria, Chapter Eighty-
three.

Not to pre-
vent Paro-
chial Boards
removing
Juveniles as
at present
authorized
by 8 & 9 Vict.
c. 83.

SCHEDULE A.

At _____ the _____ Day of _____ I
 [A.B. Sheriff or Magistrate of _____] under
 the Powers of the Reformatory Schools (Scotland) Act, 1854, hereby
 order, that C.D. belonging to _____ and apparently
 of the Age of _____ Years, and who was charged before me under
 the First Section of the said Act, [or, who was brought before me
 under the Second Section of the said Act,] to be taken to the
 _____ School, at _____, therein
 to be detained, under the Powers and Provisions contained in the said
 recited Act, until he be duly discharged therefrom or attain the Age
 of *Eighteen* Years.

Given under my Hand, Date and Place foresaid.

SCHEDULE B.

I or We [name and design the Cautioners] do hereby judicially
 enact ourselves in the Books of the _____ Court,
 at _____ and bind and oblige [myself or ourselves,
 my or our Heirs, Executors, and Successors, jointly and severally,]
 under the Penalty of _____ for the good Behaviour of
 A.B. belonging to _____ and that for the Period
 of _____ Calendar Months, all in Terms of the Second
 Section of the Reformatory Schools (Scotland) Act, 1854.

Subscribed by me [or us] at _____ the _____ Day
 of _____, before these Witnesses.

A.B. and C.D.

Reformatory Schools.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

To render Reformatory and Industrial
Schools in Scotland more available for
the Benefit of juvenile Delinquents
and vagrant Children.

*(Prepared and brought in by
Mr. Dunlop, Mr. Kinaird, and Mr. Alderley.)*

*Ordered, by The House of Commons, to be Printed,
13 June 1854.*

[Bill 136.]

Under 1 oz.



(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Render Reformatory and Industrial Schools in
Scotland more available for the Benefit of Juve-
nile Delinquents and Vagrant Children.

PROPOSED NEW TITLE :

AN ACT *to render Reformatory and Industrial Schools in
Scotland more available for the Benefit of Vagrant Children.*

[Note.—*The Clause marked A. was added in Committee.*]

WHEREAS it is expedient that Reformatory and Industrial
Schools in Scotland should be made more available for
the Education and Training of Vagrant Children: Be it
therefore enacted by the Queen's most Excellent Majesty, by and
5 with the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

Preamble.

- I. When any young Person apparently under the Age of Fourteen
Years shall, from and after the passing of this Act, be found begging or
10 not having any Home or settled Place of Abode or proper Guardian-
ship, and having no lawful or visible Means of Subsistence shall be
found wandering, and though not charged with any actual Offence,
shall be brought by any Constable or Police Officer before any Sheriff
or Magistrate, it shall be lawful for the said Sheriff or Magistrate,
15 after due Inquiry, and unless the Parents, Guardians, or other Persons
interested in such young Person shall appear and find Security for

Sheriff or
Magistrate
may send
vagrant
Children to
School unless
Security
found for
good Be-
haviour.

[Bill 155.]

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his or her good Behaviour, enacted in the Books of Court according to the Form (or as near thereto as may be) contained in the Schedule (B.) annexed hereto, such Security to be for any Sum not less than One Pound and not more than Five Pounds, and for any Period not exceeding Twelve Calendar Months, if he shall see Cause, to order 5 by a Writing under his Hand, according to the Schedule (A.), or as near thereto as may be, such young Person forthwith to be transmitted to and received at any Reformatory School, Industrial School, or other similar Institution which may have been sanctioned by the Lord Advocate of Scotland for the Purposes of this Act, the Directors 10 or Managers of which may be willing to receive such young Person, for such Period of Time as may appear necessary for his or her Education and Training, but such young Person shall not be detained beyond the Age of Fifteen Years without his or her Consent; and on such Security as aforesaid being at any Time found, the Sheriff 15 or the committing or other acting Magistrate for the Time being may order the Discharge of such young Person from any such School or Institution.

Punishment
on leaving
and refusing
to return to
School.

II. If any young Person who shall be sent to any such School or Institution, under the Provisions of this Act, shall wilfully leave and 20 abscond therefrom before attaining the Age of Fifteen Years, or being duly discharged therefrom, and shall refuse to return, it shall be lawful to the Sheriff or to the committing or any other acting Magistrate, on summary Complaint at the Instance of any Officer of the said School or Institution, (and which Complaint 25 shall be conducted in the Forms, or as nearly as may be, and subject to all the Provisions of the Act of the Ninth Year of King George the Fourth, Chapter Twenty-nine,) to punish such young Person by Whipping, or by Imprisonment for any Term not exceeding Twenty Days, and if he shall see proper to order that such young Person be 30 thereafter re-transmitted to such School in manner foresaid.

Penalty on
Persons
wilfully
withdrawing
young Per-
sons from
School.

III. When any young Person has been sent by any Sheriff or Magistrate to such School or Institution sanctioned as aforesaid, any Person who shall directly or indirectly wilfully withdraw such young Person from such School or Institution, or induce him or her to abscond there- 35 from, before he or she has been regularly discharged, or who shall knowingly conceal or harbour such young Person, or otherwise prevent his or her Return thereto, then such Person so offending shall be liable for every such Offence in a Penalty not exceeding Five Pounds, to be recovered on summary Complaint before any Sheriff or Magistrate 40 at the Instance of any Officer of such School or Institution, or any Person authorized by the Directors or Managers, with Concurrence of the Public Prosecutor, and, failing Payment, the Offender
may

may be imprisoned for any Period not exceeding Sixty Days; and such Penalty, deducting the Expense of Prosecution, shall be paid over to the Treasurer of the Institution in which such young Person was placed and for behoof thereof.

- 5 IV. In every Case where any such young Person has been sent by any Sheriff or Magistrate to such School or Institution as aforesaid, it shall be competent for the Treasurer or other Officer thereof to sue the Parents or Step-parents of such young Person or other Persons who may be liable to support him or her for Payment of the
 10 Cost of Support and other Expenses incurred by the said School or Institution in regard to such young Person, and to recover the same by Action in the Sheriff's Small Debt Court: Provided always, that the Sheriff may, on Cause shown, modify the Amount of such Cost and Expenses as he shall think reasonable, or remit the same alto-
 15 together as in the Circumstances of the Case may seem just.

Parents and others may be prosecuted for Support of Children in School.

- V. Where any young Person shall be sent to such School or Institution, and where the Cost of Support of such young Person has not been received from the Parents of such young Person or other Parties liable for his or her Support, it shall be competent for the Treasurer
 20 or other Officer of such Institution, or other Person authorized by the Directors or Managers, to recover the Cost of such Support and other Expenses of such young Person, or any Balance thereof unpaid, from the Parochial Board of the Parish on which such young Person, if a Pauper, would have been chargeable in the first instance; and
 25 such Cost and Expenses are hereby declared to form a valid Charge upon the Funds within the Management of the said Parochial Board, under the Act Eighth and Ninth Victoria, Chapter Eighty-three, declaring that such Sums shall be annually on the Thirty-first of December in every Year charged against the said Parochial Board
 30 for the Year then ending, and shall be sued for within Three Months after the Lapse of every such Year, and not thereafter, and the Amount may be sued for under the Sheriff Small Debt Act, First Victoria, Chapter Forty-one, as amended by the Seventeenth and Eighteenth Victoria, Chapter Eighty, although the Amount be greater
 35 than the Sum to which the Prosecutions by the said Acts are limited; and on Payment of the said Sums the said Parochial Board shall have all competent Remedy for Relief and Recovery of the Sums paid by them against all Persons or Parishes bound in Relief and Payment thereof.

Children to be paid for by Parochial Board.

- 40 VI. It shall be lawful for the Directors and Managers of such Schools and Institutions as aforesaid to make all necessary Rules,
 [155.] A 2 Orders

Power to make Rules, &c.

Orders, and Byelaws for the Regulation and Management of the Schools and Institutions as aforesaid under their Charge, not repugnant to the Provisions of this Act, but no such Rules, Orders, or Byelaws shall be enforced until they have been submitted to and approved by the said Lord Advocate of Scotland.

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Aid from
Education
Committee of
Privy Coun-
cil.

VII. It shall be lawful for the Education Committee of Her Majesty's Privy Council, out of the Monies at their Disposal voted by Parliament for the Purposes of Education, to grant to the Directors or Managers of any such School or Institution sanctioned as aforesaid, who may be willing to receive such young Persons as aforesaid, such 10 Aid as they may judge proper towards the Erection of suitable Buildings, and the annual Expense of such School or Institution, under such Regulations as to the Accommodation required and the Qualification of Teachers as the Committee of Council may prescribe; and all Schools and Institutions receiving such Aid shall be open to the 15 Inspection of Her Majesty's Inspector of Schools, or to any other Inspector specially appointed for the Inspection thereof.

CLAUSE A.
Act not to
interfere
with Powers
of Removal
under
8 & 9 Vict.
c. 83.

VIII. Nothing in this Act contained shall be construed to prevent any Parochial Board on whose Funds the Cost of Support of any such young Person as aforesaid shall have become a Charge, from adopting 20 such Steps for his or her Removal as may be competent to them under the Provisions of the Eighth and Ninth Victoria, Chapter Eighty-three.

SCHEDULE A.

At _____ the _____ Day of _____ I
 [A.B. Sheriff or Magistrate of _____] under
 the Powers of the Reformatory Schools (Scotland) Act, 1854, hereby
 order, that C.D. belonging to _____ and apparently
 of the Age of _____ Years, and who was brought before me under
 the Provisions of the said Act, to be taken to the
 School, at _____, therein to remain, under the Powers
 and Provisions contained in the said recited Act, until he be duly
 discharged therefrom or attain the Age of Fifteen Years.

Given under my Hand, Date and Place foresaid.

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SCHEDULE B.

I or we [name] and design the Cautioners] do hereby judicially
 enact ourselves in the Books of the _____ Court,
 at _____ and bind and oblige [myself or ourselves,
 my or our Heirs, Executors, and Successors, jointly and severally,
 under the Penalty of _____ for the good Behaviour of
 A.B. belonging to _____ and that for the Period
 of _____ Calendar Months, all in Terms of the First
 Section of the Reformatory Schools (Scotland) Act, 1854.

Subscribed by me [or us] at _____ the _____ Day
 of _____, before these Witnesses.

A.B. and C.D.

Reformatory Schools.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE AND ON
RE-COMMITMENT]

To render Reformatory and Industrial
Schools in Scotland more available for
the Benefit of Juvenile Delinquents
and Vagrant Children.

PROPOSED NEW TITLE :

*An Act to render Reformatory and In-
dustrial Schools in Scotland more
available for the Benefit of Vagrant
Children.*

(Prepared and brought in by
Mr. Dunlop, Mr. Kincaid, and Mr. Adair.)

*Ordered, by The House of Commons, to be Printed,
26 June 1854.*

[Bill 155.]

Under 1 oz.



(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE ON FIRST AND
SECOND RE-COMMITMENTS, AND ON CONSIDERATION OF
BILL AS AMENDED]

TO

Render Reformatory and Industrial Schools in
Scotland more available for the Benefit of Juve-
nile Delinquents and Vagrant Children.

PROPOSED NEW TITLE :

AN ACT *to render Reformatory and Industrial Schools in
Scotland more available for the Benefit of Vagrant Children.*

[Note.—*The Clause marked A. was added in Committee.*]

WHEREAS it is expedient that Reformatory and Industrial Preamble.
Schools in Scotland should be made more available for
the Education and Training of Vagrant Children: Be it
therefore enacted by the Queen's most Excellent Majesty, by and
5 with the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows :

I. When any young Person apparently under the Age of Fourteen
Years shall, from and after the passing of this Act, be found begging or
10 not having any Home or settled Place of Abode or proper Guardian-
ship, and having no lawful or visible Means of Subsistence shall be
found wandering, and though not charged with any actual Offence,
shall be brought by any Constable or Police Officer before any Sheriff
or Magistrate, it shall be lawful for the said Sheriff or Magistrate,
15 after due Inquiry and Intimation to the Inspector of the Poor, and
due Intimation to the Parents, Guardians, or others interested in
[Bill 237.] A such
Sheriff or Magistrate may send vagrant Children to School unless Security found for good Behaviour.

such young Person, if the same can be found, and unless the Parents, Guardians, or other Persons interested in such young Person shall appear and find Security for his or her good Behaviour, enacted in the Books of Court according to the Form (or as near thereto as may be) contained in the Schedule (B.) annexed hereto, such Security to be for any Sum not less than One Pound and not more than Five Pounds, and for any Period not exceeding Twelve Calendar Months, if he shall see Cause, to order by a Writing under his Hand, according to the Schedule (A.), or as near thereto as may be, such young Person forthwith to be transmitted to and received at any Reformatory School, Industrial School, or other similar Institution, whether established by a Parochial Board or by an Association of Individuals, which may have been sanctioned by the Secretary of State for the Purposes of this Act, the Directors or Managers of which may be willing to receive such young Person, for such Period of Time as may appear necessary for his or her Education and Training, but such young Person shall not be detained beyond the Age of Fifteen Years without his or her Consent, such Magistrate having due Regard to the religious Belief of such Child, or to any Wish expressed by the Parents, Guardians, or other Relative as to the particular Institution to which such Child shall be committed or removed, and with Power to Secretary of State to order such Removal; and on such Security as aforesaid being at any Time found, the Sheriff or the committing or other acting Magistrate for the Time being may order the Discharge of such young Person from any such School or Institution: Provided always, that if the Parent or Guardian of any such young Person shall express a Preference for any One such School out of Two or more within the Jurisdiction of the Sheriff or Magistrate, such Sheriff or Magistrate shall order such young Person to be sent to the School so preferred if the Managers be willing and able to receive him.

Punishment
on leaving
and refusing
to return to
School.

II. If any young Person who shall be sent to any such School or Institution, under the Provisions of this Act, shall wilfully leave and abscond therefrom before attaining the Age of Fifteen Years, or being duly discharged therefrom, and shall refuse to return, it shall be lawful to the Sheriff or to the committing or any other acting Magistrate, on summary Complaint at the Instance of any Officer of the said School or Institution, (and which Complaint shall be conducted in the Forms, or as nearly as may be, and subject to all the Provisions of the Act of the Ninth Year of King George the Fourth, Chapter Twenty-nine,) to punish such young Person by Whipping, or by Imprisonment for any Term not exceeding Twenty Days, and if he shall see proper to order that such young Person be thereafter re-transmitted to such School in manner foresaid.

III. When

III. When any young Person has been sent by any Sheriff or Magistrate to such School or Institution sanctioned as aforesaid, any Person who shall directly or indirectly wilfully withdraw such young Person from such School or Institution, or induce him or her to abscond there-
 5 from, before he or she has been regularly discharged, or who shall knowingly conceal or harbour such young Person, or otherwise prevent his or her Return thereto, then such Person so offending shall be liable for every such Offence in a Penalty not exceeding Five Pounds, to be recovered on summary Complaint before any Sheriff or Magistrate
 10 at the Instance of any Officer of such School or Institution, or any Person authorized by the Directors or Managers, with Concurrence of the Public Prosecutor, and, failing Payment, the Offender may be imprisoned for any Period not exceeding Sixty Days; and such Penalty, deducting the Expense of Prosecution, shall be paid
 15 over to the Treasurer of the Institution in which such young Person was placed and for behoof thereof.

Penalty on Persons wilfully withdrawing young Persons from School.

IV. In every Case where any such young Person has been sent by any Sheriff or Magistrate to such School or Institution as aforesaid, it shall be competent for the Treasurer or other Officer thereof to
 20 sue the Parents or Step-parents of such young Person or other Persons who may be liable to support him or her for Payment of the Cost of Support and other Expenses incurred by the said School or Institution in regard to such young Person, and to recover the same by Action in the Sheriff's Small Debt Court: Provided always, that
 25 the Sheriff may, on Cause shown, modify the Amount of such Cost and Expenses as he shall think reasonable, or remit the same altogether as in the Circumstances of the Case may seem just.

Parents and others may be prosecuted for Support of Children in School.

V. Where any young Person shall be sent to such School or Institution, and where the Cost of Support of such young Person has not
 30 been received from the Parents of such young Person or other Parties liable for his or her Support, it shall be competent for the Treasurer or other Officer of such Institution, or other Person authorized by the Directors or Managers, to recover the Cost of such Support and other Expenses of such young Person, or any Balance thereof unpaid,
 35 from the Parochial Board of the Parish on which such young Person, if a Pauper, would have been chargeable in the first instance; and such Cost and Expenses are hereby declared to form a valid Charge upon the Funds within the Management of the said Parochial Board, under the Act Eighth and Ninth Victoria, Chapter Eighty-three,
 40 declaring that such Sums shall be annually on the Thirty-first of December in every Year charged against the said Parochial Board for the Year then ending, and shall be sued for within Three Months after the Lapse of every such Year, and not thereafter, and the

Children to be paid for by Parochial Board.

Amount may be sued for under the Sheriff Small Debt Act, First Victoria, Chapter Forty-one, as amended by the Seventeenth and Eighteenth Victoria, Chapter Eighty, although the Amount be greater than the Sum to which the Prosecutions by the said Acts are limited: Provided always, that the Sheriff shall have Power to fix the Cost of 5 Support at such Rate as he may consider just and reasonable; and on Payment of the said Sums the said Parochial Board shall have all competent Remedy for Relief and Recovery of the Sums paid by them against all Persons or Parishes bound in Relief and Payment thereof. 10

Power to
make Rules,
&c.

VI. It shall be lawful for the Directors and Managers of such Schools and Institutions as aforesaid to make all necessary Rules, Orders, and Byelaws for the Regulation and Management of the Schools and Institutions as aforesaid under their Charge, not repugnant to the Provisions of this Act, but no such Rules, Orders, or Bye- 15 laws shall be enforced until they have been submitted to and approved by the Lord Advocate of Scotland.

Aid from
Education
Committee of
Privy Coun-
cil.

VII. It shall be lawful for the Education Committee of Her Majesty's Privy Council, out of the Monies at their Disposal voted by Parliament for the Purposes of Education, to grant to the Directors or 20 Managers of any such School or Institution sanctioned as aforesaid, who may be willing to receive such young Persons as aforesaid, such Aid as they may judge proper towards the Erection of suitable Buildings, and the annual Expense of such School or Institution, under such Regulations as to the Accommodation required and the Qualifi- 25 cation of Teachers as the Committee of Council may prescribe; and all Schools and Institutions receiving such Aid shall be open to the Inspection of Her Majesty's Inspector of Schools, or to any other Inspector specially appointed for the Inspection thereof.

CLAUSE A.
Act not to
interfere
with Powers
of Removal
under
8 & 9 Vict.
c. 83.

VIII. Nothing in this Act contained shall be construed to prevent 30 any Parochial Board on whose Funds the Cost of Support of any such young Person as aforesaid shall have become a Charge, from adopting such Steps for his or her Removal as may be competent to them under the Provisions of the Eighth and Ninth Victoria, Chapter Eighty- 35 three.

SCHEDULE A.

At the Day of I
[A.B. Sheriff or Magistrate of] under
the Powers of the Reformatory Schools (Scotland) Act, 1854, hereby
order, that C.D. belonging to and apparently
of the Age of Years, and who was brought before me under
the Provisions of the said Act, to be taken to the
School, at , therein to remain, under the Powers
and Provisions contained in the said recited Act, until he be duly
discharged therefrom or attain the Age of Fifteen Years.

Given under my Hand, Date and Place foresaid.

SCHEDULE B.

I or we [name and design the Cautioners] do hereby judicially enact ourselves in the Books of the Court, at _____ and bind and oblige [myself or ourselves, my or our Heirs, Executors, and Successors, jointly and severally,] under the Penalty of _____ for the good Behaviour of A.B. belonging to _____ and that for the Period of _____ Calendar Months, all in Terms of the First Section of the Reformatory Schools (Scotland) Act, 1854.

Subscribed by me [or us] at _____ the _____ Day
of _____, before these Witnesses.

A.B. and C.D.

Reformatory Schools.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE ON
FIRST AND SECOND RE-COMMITMENTS, AND ON
CONSIDERATION OF BILL AS AMENDED]

To render Reformatory and Industrial
Schools in Scotland more available for
the Benefit of Juvenile Delinquents
and Vagrant Children.

PROPOSED NEW TITLE :

*An Act to render Reformatory and In-
dustrial Schools in Scotland more
available for the Benefit of Vagrant
Children.*

(Prepared and brought in by
Mr. Dunlop, Mr. Kincaid, and Mr. Adderley.)

*Ordered, by The House of Commons, to be Printed,
21 July 1854.*

[Bill 237.]

Under 1 oz.

Registration of Bills of Sale Bill.

ARRANGEMENT OF CLAUSES

Bills of Sale to be void unless the same or a Copy thereof be filed within Twenty-one Days, in like Manner as Warrants of Attorney ; Sect. 1.

Defeasance or Condition of every Bill of Sale to be written on the same Paper or Parchment ; 2.

Officer of Court to keep a Book containing Particulars of each Bill of Sale ; 3.

Fee of One Shilling for filing Bill of Sale ; 4.

Office Copies or Extracts to be given on paying the usual Rates for Copies of Judgments ; 5.

Satisfaction may be entered ; 6.

Interpretation of Terms ; 7.

Act not to extend to Scotland or Ireland ; 8.

SCHEDULE.



A

B I L L

INTITULED

An Act for preventing Frauds upon Creditors by secret Bills of Sale of personal Chattels.

WHEREAS Frauds are frequently committed upon Creditors Preamble.
by secret Bills of Sale of personal Chattels, whereby
Persons are enabled to keep up the Appearance of being in
good Circumstances and possessed of Property, and the Grantees or
5 Holders of such Bills of Sale have the Power of taking Possession of
the Property of such Persons, to the Exclusion of the rest of their
Creditors: For Remedy whereof, be it therefore enacted by the Queen's
most Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
10 ment assembled, and by the Authority of the same, as follows:

I. From and after the passing of this Act every Bill of Sale of
personal Chattels made by any Person who according to the Bankrupt
Laws is to be deemed liable to become bankrupt, either absolutely or
conditionally, or subject or not subject to any Trusts, and whereby the
15 Grantee or Holder shall have Power, either with or without Notice, and
either immediately after the making of such Bill of Sale or at any
future Time, to seize or take possession of any Property and Effects
comprised in or made subject to such Bill of Sale, and every Schedule
or Inventory which shall be thereto annexed or therein referred to,
[Bill 55.] Bills of Sale
to be void,
unless the
same or a
Copy thereof
be filed with-
in Twenty-
one Days, in
like Manner
as Warrants
of Attorney.

A

or

or a true Copy thereof, and of every Attestation of the Execution thereof, shall, together with an Affidavit of the Time of such Bill of Sale being made or given, and a Description of the Residence and Occupation of the Person making or giving the same, and of every attesting Witness thereto, be filed with the Officer acting as Clerk of 5 the Docquets and Judgments in the Court of Queen's Bench, within Twenty-one Days after the making or giving of such Bill of Sale (in like Manner as a Warrant of Attorney in any personal Action given by a Trader is now by Law required to be filed,) otherwise such Bill of Sale shall, as against all Assignees of the Estate and Effects of the Person 10 making or giving the same under the Laws relating to Bankruptcy or Insolvency, or under any Assignment for the Benefit of the Creditors of such Person, and as against all Sheriffs Officers and other Persons seizing any Property or Effects comprised in such Bill of Sale in the Execution of any Process of any Court of Law or Equity authorizing the 15 Seizure of the Goods of the Person by whom such Bill of Sale shall have been made, and against every Person on whose Behalf such Process shall have been issued, be null and void to all Intents and Purposes whatsoever, so far as regards the Property in or Right to the Possession of any personal Chattels comprised in such Bill of Sale, 20 which at the Time of such Bankruptcy, or of filing the Insolvent's Petition in such Insolvency, or the Execution by the Debtor of such Assignment for the Benefit of his Creditors, or at the Time of executing such Process (as the Case may be), shall be in the Possession or apparent Possession of the Person making or giving such Bill of Sale, 25 after the Expiration of the said Period of Twenty-one Days.

Defeasance
or Condition
of every Bill
of Sale to be
written on
the same
Paper or
Parchment.

II. If such Bill of Sale shall be made or given subject to any Defeasance or Condition or Declaration of Trust not contained in the Body thereof, such Defeasance or Condition or Declaration of Trust shall, for the Purposes of this Act, be taken as Part of such Bill 30 of Sale, and shall be written on the same Paper or Parchment on which such Bill of Sale shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Bill of Sale shall be null and void to all Intents and Purposes, as against the same Persons and as regards the same Property and Effects, as if such Bill 35 of Sale or a Copy thereof had not been filed according to the Provisions of this Act.

Officer of
Court to
keep a Book
containing
Particulars
of each Bill
of Sale.

III. The said Officer of the said Court of Queen's Bench shall cause every Bill of Sale, and every such Schedule and Inventory as aforesaid, and every such Copy filed in his said Office under the Provisions of this 40 Act, to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be fairly entered an Alphabetical List of every such Bill of Sale, containing therein the Name, Addition, and Description of the Person making or giving the same, and also of the Person

Person to whom or in whose Favour the same shall have been given, together with the Number, and the Dates of the Execution and filing of the same, and the Sum for which the same has been given, and the Time or Times (if any) when the same is thereby made payable,
 5 according to the Form contained in the Schedule to this Act, which said Book or Books, and every Bill of Sale or Copy thereof filed in the said Office, may be searched and viewed by all Persons at all reasonable Times, paying to the Officer for every Search against One Person the Sum of Sixpence and no more; and that, in addition to the last-men-
 10 tioned Book, the said Officer of the said Court of Queen's Bench shall keep another Book or Index, in which he shall cause to be fairly inserted, as and when such Bills of Sale are filed in manner aforesaid, the Name, Addition, and Description of the Person making or giving the same, and also of the Persons to whom or in whose Favour the same
 15 shall have been given, but containing no further Particulars thereof; which last-mentioned Book or Index all Persons shall be permitted to search for themselves, paying to the Officer for such last-mentioned Search the Sum of One Shilling.

IV. The said Officer shall be entitled to receive, for his Trouble in
 20 filing and entering every such Bill of Sale or a Copy thereof as aforesaid, the Sum of One Shilling and no more.

Officer entitled to a Fee of 1s. for filing Bill of Sale.

V. Any Person shall be entitled to have an Office Copy or an Extract of every Bill of Sale, or of the Copy thereof filed as afore-
 25 said, upon paying for the same at the like Rate as for Office Copies of Judgments in the said Court of Queen's Bench.

Office Copies or Extracts to be given on paying as for Copies of Judgments.

VI. It shall be lawful for any Judge of the said Court of Queen's Bench to order a Memorandum of Satisfaction to be written upon any Bill of Sale or Copy thereof respectively as aforesaid, if it shall appear
 30 to him that the Debt (if any) for which such Bill of Sale is given as Security shall have been satisfied or discharged.

Satisfaction may be entered.

VII. In construing this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Constructions;
 35 (that is to say,)

Interpretation of Terms.

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number:

Words importing the Masculine Gender only shall include Females:
 40 The Expression "Bill of Sale" shall include Bills of Sale, Assignments, Transfers, and other Assurances of personal Chattels, not being Assignments for the Benefit of the Creditors
 [55.] A 2 of

of the Person making or giving the same, nor Marriage Settlements, nor Transfers or Assignments of any Ship or Vessel or any Share thereof made as a Security for any Debt, either by way of Mortgage or Assignment, duly registered under the Laws for the registering of British Vessels :

5

The Expression "personal Chattels" shall mean Goods, Furniture, Fixtures, and other Articles capable of complete Transfer by Delivery, and shall not include Chattel Interests in Real Estate, nor Shares or Interests in the Stock, Funds, or Securities of any Government, or in the Capital or Property of any incorporated 10 or Joint Stock Company, nor Choses in Action :

Personal Chattels shall be deemed to be in the "apparent Possession" of the Person making or giving the Bill of Sale, so long as they shall remain or be in or upon any House, Mill, Warehouse, Building, Works, Yard, Land, or other Premises occupied by 15 him, or as they shall be used and enjoyed by him in any Place whatsoever, notwithstanding that formal Possession thereof may have been taken by or given to any other Person.

Extent of Act.

VIII. This Act shall not extend to Scotland or Ireland.

SCHEDULE.

Name, &c. of the Person making or giving the Bill of Sale.	Name, &c. of the Person to whom made or given.	Whether Bill of Sale, Assignment, Transfer, or what other Assurance, and whether absolute or conditional, and Number.	Date of Execution.	Date of Filing.	Sum for which made or given.	When and how payable.

Registration of Bills of Sale.

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B I L L

INTITULED

An Act for preventing Frauds upon
Creditors by secret Bills of Sale of
personal Chattels.

(*Brought from the Lords 27 March 1854.*)

*Ordered, by The House of Commons, to be Printed,
27 March 1854.*

[Bill 55.]

Under 1 oz.

Registration of Bills of Sale Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Bills of Sale to be void unless the same or a Copy thereof be filed within Twenty-one Days, in like Manner as Warrants of Attorney; Sect. 1.

Defeasance or Condition of every Bill of Sale to be written on the same Paper or Parchment; 2.

Officer of Court to keep a Book containing Particulars of each Bill of Sale; 3.

Fee of One Shilling for filing Bill of Sale; 4.

Office Copies or Extracts to be given on paying the usual Rates for Copies of Judgments; 5.

Satisfaction may be entered; 6.

Interpretation of Terms; 7.

Act not to extend to Scotland or Ireland; 8.

SCHEDULE.

17 May 1854. 17 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act for preventing Frauds upon Creditors by
secret Bills of Sale of personal Chattels.

WHEREAS Frauds are frequently committed upon Creditors Preamble.
by secret Bills of Sale of personal Chattels, whereby
Persons are enabled to keep up the Appearance of being in
good Circumstances and possessed of Property, and the Grantees or
5 Holders of such Bills of Sale have the Power of taking Possession of
the Property of such Persons, to the Exclusion of the rest of their
Creditors: For Remedy whereof, be it therefore enacted by the Queen's
most Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
10 ment assembled, and by the Authority of the same, as follows:

I. Every Bill of Sale of personal Chattels made, after the passing
of this Act, by any Person who according to the Bankrupt Laws is to
be deemed liable to become bankrupt, or by any Sheriff or other
Person acting under or in the Execution of any Process against the
15 Goods or any of them of any Person so to be deemed liable to become
bankrupt, either absolutely or conditionally, or subject or not subject
to any Trusts, and whereby the Grantee or Holder shall have Power,
either with or without Notice, and either immediately after the
making of such Bill of Sale or at any future Time, to seize or take
[Bill 100.] A possession

Bills of Sale
to be void,
unless the
same or a
Copy thereof
be filed with-
in Twenty-
one Days, in
like Manner
as Warrants
of Attorney.

possession of any Property and Effects comprised in or made subject to such Bill of Sale, and every Schedule or Inventory which shall be thereto annexed or therein referred to, or a true Copy thereof, and of every Attestation of the Execution thereof, shall, together with an Affidavit of the Time of such Bill of Sale being made or given, and a Description of the Residence and Occupation of the Person making or giving the same, or, in case the same shall be made or given by any Person under or in the Execution of Process as aforesaid, then a Description of the Residence and Occupation of the Person against whom such Process shall have issued, and of every attesting Witness to such Bill of Sale, be filed with the Officer acting as Clerk of the Docquets and Judgments in the Court of Queen's Bench, within Twenty-one Days after the making or giving of such Bill of Sale (in like Manner as a Warrant of Attorney in any personal Action given by a Trader is now by Law required to be filed,) otherwise such Bill of Sale shall, as against all Assignees of the Estate and Effects of the Person making or giving the same under the Laws relating to Bankruptcy or Insolvency, or under any Assignment for the Benefit of the Creditors of such Person, and as against all Sheriffs Officers and other Persons seizing any Property or Effects comprised in such Bill of Sale in the Execution of any Process of any Court of Law or Equity authorizing the Seizure of the Goods of the Person by whom such Bill of Sale shall have been made, and against every Person on whose Behalf such Process shall have been issued, be null and void to all Intents and Purposes whatsoever, so far as regards the Property in or Right to the Possession of any personal Chattels comprised in such Bill of Sale, which at or after the Time of such Bankruptcy, or of filing the Insolvent's Petition in such Insolvency, or of the Execution by the Debtor of such Assignment for the Benefit of his Creditors, or of executing such Process (as the Case may be), and after the Expiration of the said Period of Twenty-one Days, shall be in the Possession or apparent Possession of the Person making such Bill of Sale, or of any Person against whom the Process shall have issued under or in the Execution of which such Bill of Sale shall have been made or given, as the Case may be.

35

Defeasance
or Condition
of every Bill
of Sale to be
written on
the same
Paper or
Parchment.

II. If such Bill of Sale shall be made or given subject to any Defeasance or Condition or Declaration of Trust not contained in the Body thereof, such Defeasance or Condition or Declaration of Trust shall, for the Purposes of this Act, be taken as Part of such Bill of Sale, and shall be written on the same Paper or Parchment on which such Bill of Sale shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Bill of Sale shall be null and void to all Intents and Purposes, as against the same Persons and as regards the same Property and Effects, as if such Bill

of

of Sale or a Copy thereof had not been filed according to the Provisions of this Act.

- III. The said Officer of the said Court of Queen's Bench shall cause every Bill of Sale, and every such Schedule and Inventory as aforesaid, and every such Copy filed in his said Office under the Provisions of this Act, to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be fairly entered an Alphabetical List of every such Bill of Sale, containing therein the Name, Addition, and Description of the Person making or giving the same, or in case the same shall be made or given by any Person under or in the Execution of Process as aforesaid, then the Name, Addition, and Description of the Person against whom such Process shall have issued, and also of the Person to whom or in whose Favour the same shall have been given, together with the Number, and the Dates of the Execution and filing of the same, and the Sum for which the same has been given, and the Time or Times (if any) when the same is thereby made payable, according to the Form contained in the Schedule to this Act, which said Book or Books, and every Bill of Sale or Copy thereof filed in the said Office, may be searched and viewed by all Persons at all reasonable Times, paying to the Officer for every Search against One Person the Sum of Sixpence and no more; and that, in addition to the last-mentioned Book, the said Officer of the said Court of Queen's Bench shall keep another Book or Index, in which he shall cause to be fairly inserted, as and when such Bills of Sale are filed in manner aforesaid, the Name, Addition, and Description of the Person making or giving the same, or of the Person against whom such Process shall have issued, as the Case may be, and also of the Persons to whom or in whose Favour the same shall have been given, but containing no further Particulars thereof; which last-mentioned Book or Index all Persons shall be permitted to search for themselves, paying to the Officer for such last-mentioned Search the Sum of One Shilling.

Officer of Court to keep a Book containing Particulars of each Bill of Sale.

IV. The said Officer shall be entitled to receive, for his Trouble in filing and entering every such Bill of Sale or a Copy thereof as aforesaid, the Sum of One Shilling and no more.

Officer entitled to a Fee of 1s. for filing Bill of Sale.

- V. Any Person shall be entitled to have an Office Copy or an Extract of every Bill of Sale, or of the Copy thereof filed as aforesaid, upon paying for the same at the like Rate as for Office Copies of Judgments in the said Court of Queen's Bench.

Office Copies or Extracts to be given on paying as for Copies of Judgments.

- VI. It shall be lawful for any Judge of the said Court of Queen's Bench to order a Memorandum of Satisfaction to be written upon any Bill of Sale or Copy thereof respectively as aforesaid, if it shall appear

Satisfaction may be entered.

to him that the Debt (if any) for which such Bill of Sale is given as Security shall have been satisfied or discharged.

Interpreta-
tion of
Terms.

VII. In construing this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Constructions; 5
(that is to say,)

The Expression "Bill of Sale" shall include Bills of Sale, Assignments, Transfers, Declarations of Trust without Transfer, and other Assurances of personal Chattels, not falling wholly and exclusively within some one or more of the following 10 Descriptions; that is to say, Assignments for the Benefit of the Creditors of the Person making or giving the same; Marriage Settlements; Transfers or Assignments of any Ship or Vessel or any Share thereof made as a Security for any Debt, either by way of Mortgage or Assignment, duly registered under the Laws 15 for the registering of British Vessels; Sales of Goods in the ordinary Course of Business of any Trade or Calling; Transfers or Assignments of Bills of Lading; Transfers or Assignments of any Merchandise by way of Security for Advances made in the course of any wholesale Trade or Calling, according to any 20 known Usage amongst Persons in the like Trade or Calling; Transactions not affecting the Right to seize or sell any Personal Chattels comprised therein under Writs of Fieri facias or other Process of the like Nature against the Goods of any Person whose personal Chattels or any of them shall be comprised in 25 such Transactions:

The Expression "personal Chattels" shall mean Goods, Furniture, Fixtures, and other Articles capable of complete Transfer by Delivery, and shall not include Chattel Interests in Real Estate, nor Shares or Interests in the Stock, Funds, or Securities of any 30 Government, or in the Capital or Property of any incorporated or Joint Stock Company, nor Choses in Action, nor any Stock or Produce upon any Farm or Lands which by virtue of any Covenant or Agreement, or of the Custom of the Country, ought not to be removed from any Farm where the same shall be 35 at the Time of the making or giving of such Bill of Sale:

Personal Chattels shall be deemed to be in the "apparent Possession" of the Person making or giving the Bill of Sale, so long as they shall remain or be in or upon any House, Mill, Warehouse, Building, Works, Yard, Land, or other Premises occupied by 40 him, or as they shall be used and enjoyed by him in any Place whatsoever, notwithstanding that formal Possession thereof may have been taken by or given to any other Person.

VIII. This Act shall not extend to Scotland or Ireland.

SCHE-

Extent of
Act.

SCHEDULE.

Name, &c. of the Person making or giving the Bill of Sale, or of the Person divested of Property.	Name, &c. of the Person to whom made or given.	Whether Bill of Sale, Assignment, Transfer, or what other Assurance, and whether absolute or conditional, and Number.	Date of Execution.	Date of Filing.	Sum for which made or given.	When and how payable.

Registration of Bills of Sale.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTRODUCED

An ²Act for preventing Frauds upon
Creditors by secret Bills of Sale of
personal Chattels.

(*Brought from the Lords 27 March 1854.*)

*Ordered, by The House of Commons, to be Printed,
17 May 1854.*

[Bill 100.]

Under 1 oz.

Registration of Bills of Sale Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Bills of Sale to be void unless the same or a Copy thereof be filed within Twenty-one Days, in like Manner as Warrants of Attorney; Sect. 1.

Defeasance or Condition of every Bill of Sale to be written on the same Paper or Parchment; 2.

Officer of Court to keep a Book containing Particulars of each Bill of Sale, and to account for same; 3.

Fee of One Shilling for filing Bill of Sale; 4.

Office Copies or Extracts to be given on paying the usual Rates for Copies of Judgments; 5.

Satisfaction may be entered; 6.

Interpretation of Terms; 7.

Act not to extend to Scotland or Ireland; 8.

SCHEDULE.



A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

INTITLED

An Act for preventing Frauds upon Creditors by
secret Bills of Sale of personal Chattels.

WHEREAS Frauds are frequently committed upon Creditors Preamble.
by secret Bills of Sale of personal Chattels, whereby
Persons are enabled to keep up the Appearance of being in
good Circumstances and possessed of Property, and the Grantees or
5 Holders of such Bills of Sale have the Power of taking Possession of
the Property of such Persons, to the Exclusion of the rest of their
Creditors: For Remedy whereof, be it therefore enacted by the Queen's
most Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
10 ment assembled, and by the Authority of the same, as follows:

I. Every Bill of Sale of personal Chattels made, after the passing
of this Act, either absolutely or conditionally, or subject or not subject
to any Trusts, and whereby the Grantee or Holder shall have Power,
either with or without Notice, and either immediately after the
15 making of such Bill of Sale or at any future Time, to seize or take
possession of any Property and Effects comprised in or made subject
to such Bill of Sale, and every Schedule or Inventory which shall be
thereto annexed or therein referred to, or a true Copy thereof, and
of every Attestation of the Execution thereof, shall, together with an
[Bill 148.] Bills of Sale
to be void,
unless the
same or a
Copy thereof
be filed with-
in Twenty-
one Days, in
like Manner
as Warrants
of Attorney.

A

Affidavit

Affidavit of the Time of such Bill of Sale being made or given, and a Description of the Residence and Occupation of the Person making or giving the same, or, in case the same shall be made or given by any Person under or in the Execution of any Process, then a Description of the Residence and Occupation of the Person against 5 whom such Process shall have issued, and of every attesting Witness to such Bill of Sale, be filed with the Officer acting as Clerk of the Docquets and Judgments in the Court of Queen's Bench, within Twenty-one Days after the making or giving of such Bill of Sale (in like Manner as a Warrant of Attorney in any personal Action given by 10 a Trader is now by Law required to be filed), otherwise such Bill of Sale shall, as against all Assignees of the Estate and Effects of the Person whose Goods or any of them are comprised in such Bill of Sale under the Laws relating to Bankruptcy or Insolvency, or under any Assignment for the Benefit of the Creditors of such Person, and as 15 against all Sheriffs Officers and other Persons seizing any Property or Effects comprised in such Bill of Sale in the Execution of any Process of any Court of Law or Equity authorizing the Seizure of the Goods of the Person by whom or of whose Goods such Bill of Sale shall have been made, and against every Person on whose Behalf 20 such Process shall have been issued, be null and void to all Intents and Purposes whatsoever, so far as regards the Property in or Right to the Possession of any personal Chattels comprised in such Bill of Sale, which at or after the Time of such Bankruptcy, or of filing the Insolvent's Petition in such Insolvency, or of the Execution by the 25 Debtor of such Assignment for the Benefit of his Creditors, or of executing such Process (as the Case may be), and after the Expiration of the said Period of Twenty-one Days, shall be in the Possession or apparent Possession of the Person making such Bill of Sale, or of any Person against whom the Process shall have issued 30 under or in the Execution of which such Bill of Sale shall have been made or given, as the Case may be.

Defeasance
or Condition
of every Bill
of Sale to be
written on
the same
Paper or
Parchment.

II. If such Bill of Sale shall be made or given subject to any Defeasance or Condition or Declaration of Trust not contained in the Body thereof, such Defeasance or Condition or Declaration of 35 Trust shall, for the Purposes of this Act, be taken as Part of such Bill of Sale, and shall be written on the same Paper or Parchment on which such Bill of Sale shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Bill of Sale 40 shall be null and void to all Intents and Purposes, as against the same Persons and as regards the same Property and Effects, as if such Bill of Sale or a Copy thereof had not been filed according to the Provisions of this Act.

III. The

III. The said Officer of the said Court of Queen's Bench shall cause every Bill of Sale, and every such Schedule and Inventory as aforesaid, and every such Copy filed in his said Office under the Provisions of this Act, to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be fairly entered an Alphabetical List of every such Bill of Sale, containing therein the Name, Addition, and Description of the Person making or giving the same, or in case the same shall be made or given by any Person under or in the Execution of Process as aforesaid, then the Name, Addition, and Description of the Person against whom such Process shall have issued, and also of the Person to whom or in whose Favour the same shall have been given, together with the Number, and the Dates of the Execution and filing of the same, and the Sum for which the same has been given, and the Time or Times (if any) when the same is thereby made payable, according to the Form contained in the Schedule to this Act, which said Book or Books, and every Bill of Sale or Copy thereof filed in the said Office, may be searched and viewed by all Persons at all reasonable Times, paying to the Officer for every Search against One Person the Sum of Sixpence and no more; and that, in addition to the last-mentioned Book, the said Officer of the said Court of Queen's Bench shall keep another Book or Index, in which he shall cause to be fairly inserted, as and when such Bills of Sale are filed in manner aforesaid, the Name, Addition, and Description of the Person making or giving the same, or of the Person against whom such Process shall have issued, as the Case may be, and also of the Persons to whom or in whose Favour the same shall have been given, but containing no further Particulars thereof; which last-mentioned Book or Index all Persons shall be permitted to search for themselves, paying to the Officer for such last-mentioned Search the Sum of One Shilling.

Officer of Court to keep a Book containing Particulars of each Bill of Sale.

IV. The said Officer shall be entitled to receive, for his Trouble in filing and entering every such Bill of Sale or a Copy thereof as aforesaid, the Sum of One Shilling and no more; and such Officer shall render a like Account to the Commissioners of Her Majesty's Treasury, and the said Commissioners shall have the like Powers in every Particular with respect to such Account, and the Amount of Remuneration of such Officer; and with respect to any Surplus of the Fees received by him, as is provided by the Seventy-fifth Chapter of the Statute passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty with respect to the Officers of the Court of Common Pleas therein mentioned.

Officer entitled to a Fee of 1s. for filing Bill of Sale, and to account for same.

V. Any Person shall be entitled to have an Office Copy or an Extract of every Bill of Sale, or of the Copy thereof filed as aforesaid, [148.] A 2 said, Office Copies or Extracts to be given

on paying as said, upon paying for the same at the like Rate as for Office Copies of
for Copies of Judgments in the said Court of Queen's Bench.

Satisfaction
may be
entered.

VI. It shall be lawful for any Judge of the said Court of Queen's Bench to order a Memorandum of Satisfaction to be written upon any Bill of Sale or Copy thereof respectively as aforesaid, if it shall appear 5 to him that the Debt (if any) for which such Bill of Sale is given as Security shall have been satisfied or discharged.

Interpreta-
tion of
Terms.

VII. In construing this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Constructions; 10 (that is to say,)

The Expression "Bill of Sale" shall include Bills of Sale, Assignments, Transfers, Declarations of Trust without Transfer, and other Assurances of personal Chattels, and also Powers of Attorney, Authorities, or Licences to take possession of personal 15 Chattels as Security for any Debt, but shall not include the following Documents; that is to say, Assignments for the Benefit of the Creditors of the Person making or giving the same; Marriage Settlements; Transfers or Assignments of any Ship or Vessel or any Share thereof; Transfers of Goods in the ordinary Course 20 of Business of any Trade or Calling; Bills of Sale of Goods in Foreign Parts or at Sea; Bills of Lading; India Warrants; Warehouse Keepers Certificates; Warrants or Orders for the Delivery of Goods, or any other Documents used in the ordinary Course of Business as Proof of the Possession or Control of 25 Goods, or authorizing or purporting to authorize, either by Endorsement or by Delivery, the Possessor of such Document to transfer or receive Goods thereby represented:

The Expression "personal Chattels" shall mean Goods, Furniture, Fixtures, and other Articles capable of complete Transfer by 30 Delivery, and shall not include Chattel Interests in Real Estate, nor Shares or Interests in the Stock, Funds, or Securities of any Government, or in the Capital or Property of any incorporated or Joint Stock Company, nor Choses in Action, nor any Stock or Produce upon any Farm or Lands which by virtue of any 35 Covenant or Agreement, or of the Custom of the Country, ought not to be removed from any Farm where the same shall be at the Time of the making or giving of such Bill of Sale;

Personal Chattels shall be deemed to be in the "apparent Possession" of the Person making or giving the Bill of Sale, so long as 40 they shall remain or be in or upon any House, Mill, Warehouse, Building, Works, Yard, Land, or other Premises occupied by him,

him, or as they shall be used and enjoyed by him in any Place whatsoever, notwithstanding that formal Possession thereof may have been taken by or given to any other Person.

VIII. This Act shall not extend to Scotland or Ireland.

Extent of
Act.

SCHEDULE.

Name, &c. of the Person making or giving the Bill of Sale, or of the Person divested of Property.	Name, &c. of the Person to whom made or given.	Whether Bill of Sale, Assignment, Transfer, or what other Assurance, and whether absolute or conditional, and Number.	Date of Execution.	Date of Filing.	Sum for which made or given.	When and how

Registration of Bills of Sale.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON
RE-COMMITMENT]

INTITLED

An Act for preventing Frauds upon
Creditors by secret Bills of Sale of
personal Chattels.

(*Brought from the Lords 27 March 1854.*)

*Ordered, by The House of Commons, to be Printed,
21 June 1854.*

[Bill 148.]

Under 1 oz.

Registration of Bills of Sale (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Bills of Sale to be void unless the same or a Copy thereof be filed within Twenty-one Days, in like Manner as Warrants of Attorney ; Sect. 1.

Defeazance or Condition of every Bill of Sale to be written on the same Paper or Parchment ; 2.

Officer of Court to keep a Book containing Particulars of each Bill of Sale, and to account for same ; 3.

Fee of One Shilling for filing Bill of Sale ; 4.

Office Copies or Extracts to be given on paying the usual Rates for Copies of Judgments ; 5.

Satisfaction may be entered ; 6.

Interpretation of Terms ; 7.

Act not to extend to England or Scotland ; 8.

SCHEDULE.



A

B I L L

FOR

The Registration of Bills of Sale in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS Frauds are frequently committed upon Creditors by secret Bills of Sale of Personal Chattels, whereby Persons are enabled to keep up the Appearance of being in good Circumstances and possessed of Property, and the Grantees or
5 Holders of such Bills of Sale have the Power of taking possession of the Property of such Persons, to the Exclusion of the rest of their Creditors: For Remedy whereof be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Par-
10 liament assembled, and by the Authority of the same, as follows :

I. Every Bill of Sale of Personal Chattels made after the *passing of this Act*, either absolutely or conditionally, or subject or not subject to any Trusts, and whereby the Grantee or Holder shall have Power, either with or without Notice, and either immediately after the making
15 of such Bill of Sale or at any future Time, to seize or take possession of any Property and Effects comprised in or made subject to such Bill of Sale, and every Schedule or Inventory which shall be thereto annexed or therein referred to, or a true Copy thereof, and of every Attestation of the Execution thereof, shall, together with an Affidavit
[Bill 174.] A 2 of Bills of Sale to be void, unless the same or a Copy thereof be filed within 21 Days, in like Manner as Warrants of Attorney.

3 & 4 Vict.
c. 105. s. 12.

of the Time of such Bill of Sale being made or given, and a Description of the Residence and Occupation of the Person making or giving the same, or, in case the same shall be made or given by any Person under or in the Execution of any Process, then a Description of the Residence and Occupation of the Person against whom such Process 5 shall have issued, and of every attesting Witness to such Bill of Sale, be filed with the Master of the Court of Queen's Bench in Ireland within *Twenty-one* Days after the making or giving of such Bill of Sale (in like Manner as a Warrant of Attorney to confess Judgment in any Personal Action is now by Law required to be filed), 10 otherwise such Bill of Sale shall, as against all Assignees of the Estate and Effects of the Person whose Goods, or any of them, are comprised in such Bill of Sale, under the Laws relating to Bankruptcy or Insolvency, or under any Assignment for the Benefit of the Creditors of such Person, and as against all Sheriffs Officers and other Persons 15 seizing any Property or Effects comprised in such Bill of Sale in the Execution of any Process of any Court of Law or Equity authorizing the Seizure of the Goods of the Person by whom or of whose Goods such Bill of Sale shall have been made, and against every Person on whose Behalf such Process shall have been issued, be null and void to 20 all Intents and Purposes whatsoever, so far as regards the Property in or Right to the Possession of any Personal Chattels comprised in such Bill of Sale which at or after the Time of such Bankruptcy, or of filing the Insolvent's Petition in such Insolvency, or of the Execution by the Debtor of such Assignment for the Benefit of his Creditors, or 25 of executing such Process, (as the Case may be,) and after the Expiration of the said Period of *Twenty-one* Days, shall be in the Possession or apparent Possession of the Person making such Bill of Sale, or of any Person against whom the Process shall have issued under or in the Execution of which such Bill of Sale shall have been made 30 or given, as the Case may be.

Defeasance
or Condition
of every Bill
of Sale to be
written on
the same
Paper or
Parchment.

II. If such Bill of Sale shall be made or given subject to any Defeasance or Condition or Declaration of Trust not contained in the Body thereof, such Defeasance or Condition or Declaration of Trust shall for the Purposes of this Act be taken as Part of such Bill of 35 Sale, and shall be written on the same Paper or Parchment on which such Bill of Sale shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Bill of Sale shall be null and void to all Intents and Purposes as against the same Persons, and as regards the same Property and Effects, as if such Bill 40 of Sale or a Copy thereof had not been filed according to the Provisions of this Act.

III. The

III. The said Master of the said Court of Queen's Bench shall cause every Bill of Sale, and every such Schedule and Inventory as aforesaid, and every such Copy filed in his said Office under the Provisions of this Act, to be numbered, and shall keep a Book or Books
5 in his said Office in which he shall cause to be fairly entered an alphabetical List of every such Bill of Sale, containing therein the Name, Addition, and Description of the Person making or giving the same, or in case the same shall be made or given by any Person under or in the Execution of Process as aforesaid, then the Name, Addition, and
10 Description of the Person against whom such Process shall have issued and also of the Person to whom or in whose Favour the same shall have been given, together with the Number and the Dates of the Execution and filing of the same, and the Sum for which the same has been given, and the Time or Times (if any) when the same is thereby made payable,
15 according to the Form contained in the Schedule to this Act; which said Book or Books, and every Bill of Sale, or Copy thereof, filed in the said Office, may be searched and viewed by all Persons at all reasonable Times, paying to the said Master for every Search against One Person the Sum of *Sixpence*, and no more; and in addition to the
20 last-mentioned Book the said Master of the said Court of Queen's Bench shall keep another Book or Index, in which he shall cause to be fairly inserted, as and when such Bills of Sale are filed in manner aforesaid, the Name, Addition, and Description of the Person making or giving the same, or of the Person against whom such Process shall have
25 issued, as the Case may be, and also of the Persons to whom or in whose Favour the same shall have been given, but containing no further Particulars thereof, which last-mentioned Book or Index all Persons shall be permitted to search for themselves, paying to the said Master for such last-mentioned Search the Sum of *One Shilling*.

Officer of Court to keep a Book containing Particulars of each Bill of Sale.

Officer entitled to a Fee of One Shilling for filing Bill of Sale.
7 & 8 Vict. c. 90. s. 25.

IV. The said Master shall be entitled to receive, for his Trouble in filing and entering every such Bill of Sale or a Copy thereof as aforesaid, the Sum of *One Shilling*, and no more; and the said Master shall pay into the Receipt of Her Majesty's Exchequer in Ireland all such Sum and Sums of Money as shall come to his Hands (retaining, how-
35 ever, a Sum sufficient to discharge the current Expenses of his Office), which shall thereupon be carried to and form Part of the Consolidated Fund of Great Britain and Ireland; and such Master shall deliver unto the Office of Her Majesty's Commissioners for auditing the Public Accounts for the Time being a like Account and within the
40 same Time as is provided by the Nineteenth Chapter of the Statute passed in the Seventh and Eighth Years of the Reign of Her present Majesty, with respect to any Surplus of Fees received by the Registrar of Judgments therein mentioned; and the said Commissioners for auditing the Public Accounts shall have the like Powers in every Par-

ticular, in examining, trying, and auditing such Account, as are vested in them by virtue of the said last-mentioned Act with respect to the Accounts of the Registrar of Judgments.

Office Copies
or Extracts
to be given,
on paying as
for Copies of
Judgments.

V. Any Person shall be entitled to have an Office Copy or an Extract of every Bill of Sale, or of the Copy thereof, filed as aforesaid, upon 5 paying for the same at the like Rate as for Office Copies of Judgments in the said Court of Queen Bench.

Satisfaction
may be
entered.

VI. It shall be lawful for any Judge of the said Court of Queen's Bench to order a Memorandum of Satisfaction to be written upon any Bill of Sale or Copy thereof respectively as aforesaid, and also in the 10 said Books kept in the said Master's Office as aforesaid, if it shall appear to him that the Debt (if any) for which such Bill of Sale is given as Security shall have been satisfied or discharged.

Interpreta-
tion of
Terms.

VII. In construing this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be some- 15 thing in the Subject or Context repugnant to such Constructions; (that is to say,)

The Expression "Bill of Sale" shall include Bills of Sale, Assignments, Transfers, Declarations of Trust without Transfer, and other Assurances of Personal Chattels, and also Powers of 20 Attorney, Authorities or Licences to take possession of Personal Chattels as Security for any Debt, but shall not include the following Documents; that is to say, Assignments for the Benefit of the Creditors of the Person making or giving the same, Marriage Settlements, Transfers or Assignments of any Ship 25 or Vessel or any Share thereof, Transfers of Goods in the ordinary Course of Business of any Trade or Calling, Bills of Sale of Goods in Foreign Parts or at Sea, Bills of Lading, India Warrants, Warehouse Keepers Certificates, Warrants or Orders for the Delivery of Goods, or any other Documents used in the 30 ordinary Course of Business as Proof of the Possession or Control of Goods, or authorizing or purporting to authorize, either by Endorsement or by Delivery, the Possessor of such Document to transfer or receive Goods thereby represented:

The Expression "Personal Chattels" shall mean Goods, Furniture, 35 Fixtures, and other Articles capable of complete Transfer by Delivery, and shall not include Chattel Interests in Real Estate, nor Shares or Interests in the Stock, Funds, or Securities of any Government, or in the Capital or Property of any incorporated or Joint Stock Company, nor Choses in Action, nor any Stock or 40 Produce upon any Farm or Lands, which by virtue of any Covenant or Agreement, or of the Custom of the Country, ought not

Registration of Bills of Sale.

(Ireland.)

A

B I L L

For the Registration of Bills of Sale in
Ireland.

(Prepared and brought in by
Mr. Grogan, Mr. Vane, and Mr. Mullings.)

*Ordered, by The House of Commons, to be Printed,
3 July 1854.*

[Bill 174.]

Under 1 oz.

Registration of Births, &c. (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Present System of Registration to cease on 31st December 1854, and this Act to come into Operation; Sect. 1.

Her Majesty may provide an Office, and appoint a Registrar General; 2.

The Registrar General may appoint a Secretary; 3.

Appointment of Clerks and other Officers; 4.

Expenses of Registry Office and Books, &c., how to be provided; 5.

Regulations for Management of Office and Duties of Officers to be framed; 6.

Abstract of Registers to be laid annually before Parliament; 7.

Registrar for each Parish to be elected by the Parochial Board; 8.

Meetings of Parochial Board to be called by the Inspector of the Poor; 9.

Parishes may be divided; 10.

Sheriff may annex small Portions of Parishes to the Parish adjoining;

11.

Election of Registrar by Parochial Board; 12.

Where there is no Parochial Board in any Parish the Sheriff may appoint the Registrar; 13.

Registrar may appoint Assistant; 14.

Registrars not to acquire vested Rights in their Offices, and to be subject to Removal; 15.

Appointments to be exempt from Stamp Duty; 16.

Fees payable to Registrar; 17.

Existing Registers, &c. to be delivered up to the Registrars appointed under this Act; 18.

The Sheriff to be County Registrar; 19.

Register Boxes to be provided; 20.

Books to be provided; 21.

On Removal or Death of Registrars, Register Boxes, Books, &c., to be delivered up to Successors; 22.

Registrars to dwell in Parish and put their Names on their Houses, and their Names to be affixed on Doors of Places of Public Worship; 23.

Registrar to learn and register Births and Deaths; 24.

Parents, &c. to give Notice of Births; 25.

Intimation of finding new-born Child or dead Body of new-born Child; 26.

Particulars of Births to be communicated to Registrars; 27.

Registrar may require any Child to be produced; 28.

Register of Children born at Sea; 29.

Registration after Three Months from the Birth of the Child; 30.

Births not to be registered after Six Months, except by Authority of the Sheriff; 31.

Name given in Baptism after Registration may be registered within Six Months; 32.

Provision for Name given without Baptism after Registration; 33.

Clergyman on Non-production of Certificate of Registration of Birth to send Notice to Registrar; 34.

Name of Father of illegitimate Child not to be entered unless at Request of Father and Mother; but if Paternity or Legitimacy of Child fixed by Decree of Court, the Clerk to notify same to the Registrar; 35.

Correction of Registration of Children legitimated per subsequens matrimonium; 36.

Persons present at Death or Occupier of House, or Inmate, to give Notice of Death; 37.

In case of Persons dying not in a House; 38.

Medical Attendant or Person present at Death, near Relatives or Occupiers of House, to give Information required by the Registrar; 39.

Register of Persons dying at Sea; 40.

Registrar to give Certificate of Registration of Death to be delivered by Undertaker at Interment, and Procurator-Fiscal may authorize a Burial before Registration; 41.

Information to Registrar to be signed by Informant; 42.

Registrar to attend Parties with the Register; 43.

Registrars to make out Account of Number of Births and Deaths half yearly, and Assessment to be levied and Payment made in respect thereof; 44.

Registrars

- Registrars may be paid by Salary ; 45.
- Persons contracting Marriage to Register same within One Month ; 46.
- Registrar to attend Parties when required to register Marriage ; 47.
- In case of either or both of the married Parties dying, Marriage may be registered by Survivor or Relative ; 48.
- Marriages may be registered after One Month ; 49.
- Clergyman or Person present at Solemnization, Celebration, or Contraction of Marriage to send Notice to Registrar ; 50.
- Marriages of Persons fined for irregular Marriages to be registered ; 51.
- Justices of the Peace and Witnesses to give Notice to Registrar of irregular Marriages ; 52.
- Clergymen, Medical Practitioners, and Undertakers to keep Registers of Births, Deaths, and Marriages, open to the Registrar's Inspection ; 53.
- Registers to be kept in duplicate and annually examined by the Sheriff ; 54.
- Additions to Alterations of the Registers ; 55.
- Penalty on Registrars failing to deliver Registers or Certificates when required ; 56.
- Duplicate Register to supply the Place of any Register destroyed or become illegible ; 57.
- Indexes to be kept at General Registry Office, where they may be searched ; 58.
- Indexes of Parish or Division Registers to be made, which may be searched ; 59.
- Seal to be kept at General Registry Office ; 60.
- Money received by Registrar General to be accounted for ; 4 & 5 Will. 4. c. 15 ; 61.
- Penalty on giving false Information ; 62.
- Penalty on Registrar for omitting to register, or for injuring the Register ; 63.
- Penalty for destroying or falsifying Register, &c. ; 64.
- For correcting erroneous Entries ; 65.
- Errors in Entry may be corrected before signing ; 66.
- Recovery and Application of Penalties ; 67.
- Limitation of Summary Prosecutions ; 68.
- Town Councils of Burghs to have Powers of Parochial Boards ; 69.
- Penalties not exigible if Notice given ; 70.

Correspondence of Registrar General relating to this Act how to be defrayed; 71.

Proclamation of Banns and Law of Marriage not affected; 72.

Registrar General to furnish Notices of Acts required to be done to Sheriff Clerks for Publication on Doors of Places of Worship, &c.; 73.

Notices may be given by Post; 74.

Parties may sign by a Mark before Witnesses; 75.

No Penalty where Failure not wilful; 76.

Registrar General may alter Schedules; 77.

Interpretation of Act; 78.

Act to extend only to Scotland; 79.

SCHEDULES.

7 April 1854. 17 Vict.



(Scotland.)

A

B I L L

TO

Provide for the better Registration of Births
Deaths, and Marriages in Scotland.

[Note.—The Words and Clauses printed in *Italics* are proposed
to be inserted in Committee.]

WHEREAS it is expedient that a complete and uniform Preamble.
System of Registration of Births, Deaths, and Marriages
should be established and maintained in Scotland: Be it
enacted by the Queen's most Excellent Majesty, by and with the
5 Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority of
the same, as follows; namely:

I. From and after the *Thirty-first Day of December One thousand* Present
eight hundred and fifty-four the present System of Registration of
10 Births, Deaths, and Marriages in Scotland shall cease and determine, System of
and this Act shall come into operation: Provided always, that all Registration
existing Registers of Births, Deaths, and Marriages which shall to cease on
have been or shall be kept and used in Scotland previous to or 31st Decem-
on the said *Thirty-first Day of December One thousand eight hundred* ber 1854,
15 *and fifty-four*, and all Extracts and Certificates from such Registers, and this Act
shall be and remain of the same legal Force and Effect in all respects to come into
as if this Act had not been passed. operation.

[Bill 66.]

A

II. On

Her Majesty
may provide
an Office, and
appoint a
Registrar
General.

II. On and after the *passing of this Act* it shall be lawful for Her Majesty to provide a proper Office in the General Register House at Edinburgh, to be called "The General Registry Office of Births, Deaths, and Marriages," in which shall be kept and preserved a Register of all Births, Deaths, and Marriages in Scotland, and to appoint, under the Seal appointed to be used in Scotland in place of the Great Seal thereof, the Person for the Time being holding the Office of the Deputy of the Lord Clerk Register of Scotland to be Registrar General of Births, Deaths, and Marriages in Scotland, and from Time to Time at pleasure to remove such Deputy Clerk Register from the Office of Registrar General, and to appoint some other Person to be Registrar General in his stead; and such Registrar General shall be paid, in addition to whatever Salary he may enjoy as Deputy Clerk Register, a Salary not exceeding *Pounds per Annum*; and if any Person other than the Deputy Clerk Register shall be appointed Registrar General, he shall be paid a Salary not exceeding *Pounds per Annum*.

The Registrar General
may appoint
a Secretary.

III. It shall be lawful for the Registrar General, with the Approbation of the Lords Commissioners of Her Majesty's Treasury, to appoint a Secretary, who may act in his Absence with all the Powers and in the Discharge of all the Duties hereby given to or imposed upon the Registrar General; and such Secretary shall be paid a Salary not exceeding *Pounds per Annum*.

Appoint-
ment of
Clerks and
other
Officers.

IV. It shall be lawful for the Registrar General, with the Approbation of the Lords Commissioners of Her Majesty's Treasury, to appoint such Clerks, Officers, and Servants as shall be deemed necessary to carry on the Business of the General Registry Office, and at pleasure, with the like Approbation, to remove them or any of them, and, with the like Approbation, to fix the Salaries of such Clerks, Officers, and Servants, according to the Duties and Services which they may have respectively to perform.

Expenses of
Registry
Office and
Books, &c.,
how to be
provided.

V. *The Salary of the Registrar General and Secretary, and all the Expenses of the General Registry Office, including the Expenses of Clerks, Officers, and Servants, and of Books and Stationery, and all Expenses incurred from Time to Time in the Publication of Notices in pursuance of this Act, or otherwise, under the Directions and by the Authority of the Registrar General, or of the Sheriff, and all other Expenses connected with the Business of the said Office not herein otherwise provided for, shall be paid by the Lords Commissioners of Her Majesty's Treasury out of any Monies to be hereafter voted by Parliament for that Purpose.*

VI. One

VI. One of Her Majesty's Principal Secretaries of State, or the Registrar General with the Approbation of such Principal Secretary, shall and may from Time to Time make Regulations for the Management of the General Registry Office, and for the Discharge of the
 5 Duties of the Registrar General, Clerks, Officers, and Servants of the said Office, and of the Registrars and Assistant Registrars herein mentioned, so that such Regulations be not contrary to the Provisions of this Act; and the Regulations so made and approved shall be binding on the Registrar General and Secretary, and the Clerks, Officers, and Servants,
 10 and on the Registrars and Assistant Registrars; and a Copy of all such Regulations shall be laid before both Houses of Parliament within *Six Weeks* after the same are approved of, or if Parliament shall not be then sitting, within *One Month* after the Commencement of the next Session.

Regulations for Management of Office and Duties of Officers to be framed.

VII. The Registrar General shall transmit once in every Year to Her Majesty's Secretary of State for the Home Department a General Abstract of the Numbers of Births, Deaths, and Marriages registered during the foregoing Year, in such Form and at such Date as such Secretary shall from Time to Time prescribe; and every such
 20 annual General Abstract shall be laid before Parliament within *One Month* after Receipt thereof, or if Parliament shall not be then sitting, within *One Month* after the Commencement of the next Session.

Abstract of Registers to be laid annually before Parliament.

VIII. A Registrar of Births, Deaths, and Marriages shall be elected in manner herein-after provided by the Parochial Board of each Parish,
 25 not being a Burgh or Part of a Burgh, appointed and acting under an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Eighty-three, and such Parochial Board shall be the Judges of the Qualification of Persons to be elected to the Office of Registrar: Provided always, that any Session Clerk who is in Office
 30 at the Date of the *passing of this Act* shall, provided he shall produce to the Parochial Board a Certificate from the Sheriff of his Fitness for the Office of Registrar, be the Registrar under this Act for the Parish in which he is Session Clerk.

Registrar for each Parish to be elected by the Parochial Board.

IX. The Meetings of the Parochial Board in any such Parish for
 35 the Trial of the Qualifications and the Election of a Registrar shall be called by the Inspector of the Poor acting under the said Act, by the Direction either of the Sheriff or of the Parochial Board, in such and the like Manner as the ordinary Meetings of the Parochial Board are called under the said Act, and such Meetings shall be called and
 40 held forthwith after the *passing of this Act*; and such Inspector shall, within *Six Days* after a Vacancy in the Office of Registrar of the Parish of which he is Inspector shall become known to him, apply to

Meetings of Parochial Board to be called by the Inspector of the Poor.

the Sheriff or the Parochial Board to appoint a Time and Place for a Meeting of the Parochial Board for the Purpose of electing a Registrar to supply such Vacancy.

Parishes may
be divided.

X. If it shall appear to the Sheriff, either from his own Knowledge, or from Information received from the Parochial Board, that the Duties of Registrar of any Parish are or will be greater than can be efficiently discharged by One Registrar, the Sheriff may divide such Parish into One or more Divisions as he shall think fit; and each such Division shall be held to be and be a separate Parish for the Purposes of this Act; and the Sheriff shall fix the distinctive Name by which each such Division shall be called for the Purposes of this Act; and a written or printed Notice of such Division, setting forth such distinctive Names shall be affixed on the Doors of all the Churches within the Parish thereby affected for *Three* consecutive Weeks before such Division shall come into operation, and be published *Twice* a Week for *Three* consecutive Weeks in *Two* Newspapers published or usually circulated in the Parish or in the County in which the same is situated: Provided always, that any Session Clerk who, under the Provisions of this Act, would be entitled to be Registrar of any Parish, shall be the Registrar of such One of the said Divisions as shall be appointed by the Sheriff.

Sheriff may
annex small
Portions of
Parishes to
the Parish
adjoining.

XI. It shall be lawful for the Sheriff, if he shall deem it expedient, in order to avoid any Doubt as to the Boundary of a Parish or otherwise, to annex, for the Purposes of this Act, any small Portion of a Parish to an adjoining Parish: Provided always, that any Charges payable out of the Parochial Funds for Registrations in respect of such Portion so annexed shall be payable and paid by the Parish from which such Portion is detached to the Parish to which the same is annexed: Provided also, that the Parochial Board of the Parish from which such Portion is taken shall have no Voice in the Election of the Registrar of the Parish to which the same is annexed.

Election of
Registrar by
Parochial
Board.

XII. In every Case of Vacancy in the Office of Registrar, the Parochial Board shall, by a Majority of the Votes of the Members present at a Meeting specially called for the Purpose, elect the Registrar of the Parish or Division of a Parish; and in case any Dispute or Difference shall arise as to the voting or Majority of Votes at such Election, or any other Proceedings connected therewith, the same shall be settled summarily by the Sheriff on hearing verbally the Parties or their Agents; and in all Cases of temporary Vacancy of the Office of Registrar, where no Registrar has been appointed as herein provided, the Sheriff shall appoint an Interim Registrar,

Registrar, who shall, during the Time he shall act, have the like Powers and be bound to discharge the like Duties as the Registrar.

XIII. In Case there shall not be a Parochial Board acting under the said Act in any Parish at the Time when this Act shall come into operation, or at any Time thereafter, in which it is necessary to elect a Registrar under this Act, it shall be lawful for the Sheriff with the Approbation of the Registrar General, to appoint a Registrar therein.

Where there is no Parochial Board in any Parish the Sheriff may appoint the Registrar.

XIV. It shall be lawful for every Registrar, with the Approbation of the Parochial Board, or where there is no Parochial Board with the approbation of the Sheriff, to appoint, by a Writing under his Hand, a fit Person, for whom he shall be responsible, to be his Assistant in case of his Illness or unavoidable Absence, and to act in case of his Death, or otherwise ceasing to hold his Office, until the Appointment of another Registrar, and also to act in all Cases where such Assistant may be authorized or required so to do by any Regulation to be made in virtue of this Act; and the Entries made in the Registers of Births, Deaths, and Marriages herein-after mentioned, and the Duties performed by such Assistant Registrar, shall be of the like Force and Effect as if made or performed by the Registrar: Provided always, that each Folio or Page of such Registers on which any Entry shall be made shall be signed by the Registrar, and every such Entry shall be authenticated by him, by affixing his Initials thereto, unless where the Registrar shall by Indisposition or other sufficient Cause be unable to act, in which Case such Assistant shall sign and authenticate such Registers, and the Entries therein.

Registrar may appoint Assistant.

XV. No Registrar shall acquire any vested Right in or to his Office by virtue of his Appointment; and in case any Registrar shall fail or neglect or refuse to discharge the Duties of his Office, or shall be unfit or incompetent to discharge such Duties, it shall be lawful for the Parochial Board to make Application to the Sheriff for his Removal from his Office of Registrar, and the Sheriff shall thereupon hear Parties, and take such Proceedings in reference to such Application, as he shall think fit; and if the Sheriff shall be of opinion that such Registrar has failed or neglected or refused to discharge the Duties of his Office, or is unfit or incompetent to discharge such Duties, the Sheriff shall remove such Registrar from his Office of Registrar, and shall direct Notice of such Removal to be forthwith sent to the Parochial Board, and to be published in the Parish of which he was the Registrar, in such Manner as the Sheriff shall direct; and such Registrar shall, from and after such Publication, cease to hold his Office under this Act, and shall be incapable of being reappointed

Registrars not to acquire vested Rights in their Offices and to be subject to Removal.

thereto, and the Parochial Board shall, in manner herein provided, elect a Registrar to supply the Vacancy caused by such Removal; and the Judgment of the Sheriff in all such Cases shall be final and not subject to Review in any Court or by any Process whatsoever.

Appoint-
ments to
be exempt
from Stamp
Duty.

XVI. The Appointments of the Registrar General, and Secretary, 5
and of the several Registrars and Assistant Registrars under this Act,
and the certified Copies of Registers and Certificates herein mentioned,
shall be exempt from all Stamp Duties.

Fees payable
to Regis-
trar.

XVII. The Registrar shall be entitled to demand, in respect of
Registration and the other Duties required to be performed by him 10
under the Provisions of this Act, the several Fees herein authorized
to be taken, and shall keep a correct Account of all Sums received
by him in virtue of this Act in the course of each Year, and shall
within *Ten Days* after the *Thirty-first Day of July* yearly, deliver or
transmit a Copy of such Account up to the said *Thirty-first Day of* 15
July, authenticated by him, to the Sheriff, to be preserved in the Sheriff
Clerk's Office, and to be furnished by the Sheriff, if required, to One
of Her Majesty's Principal Secretaries of State, or to the Registrar
General.

Existing
Registers,
&c. to be
delivered
up to the
Registrars
appointed
under this
Act.

XVIII. All the existing Registers, Minutes, and Documents of every 20
Description relating to the Registration of Births, Deaths, and Mar-
riages which shall have been kept in every Parish prior to the *First*
Day of *January One thousand eight hundred and fifty-five* shall be
delivered over to the Custody and Care of the Person who shall be
appointed Registrar of such Parish under this Act; and where any 25
Parish shall be divided, the existing Registers, Minutes, and Docu-
ments shall be delivered to the Registrar of the Division which shall
contain the larger Portion of the divided Parish; and the Registrar
to whom such Registers, Minutes, and Documents shall be so delivered
shall forthwith, upon Receipt thereof, make or cause to be made 30
exact Inventories and Indexes thereof in so far as such Inventories and
Indexes do not already exist, noticing in such Inventories any Blanks
or Deficiencies therein or other Matter requiring to be noticed, and an
authenticated Copy of each such Inventory and a General Abstract of
each such Index shall be transmitted by him to the Registrar 35
General for Preservation in the General Registry Office; and
all such Registers, Minutes, and Documents, and the original Inven-
tories, Indexes, and General Abstracts, and the authenticated Copies
thereof, whether in the Custody of the Registrar, or Registrar
General, may be searched, and certified Copies of Entries taken there- 40
from at all reasonable Times by any Person upon Payment of the
Fees authorized to be taken for the like Searches and Copies made in,

or

or taken from, the Registers and Indexes appointed to be kept under this Act.

XIX. The Sheriff of each County shall be the County Registrar, and shall have the Control and Superintendence of the Registrars of the several Parishes and Divisions within such County.

The Sheriff to be County Registrar.

XX. The Registrar General shall furnish to the Registrar of every Parish a strong Iron Box, to hold the Registers, Copies of Registers, and all other Records, Papers, or Documents connected with such Registers, in the Custody of the Registrar, and every such Box for each Registrar shall be furnished with a Lock and Two Keys, and no more, and One of such Keys shall be kept by the Registrar, and the other Key shall be kept by the Sheriff; and the Register Books of each Parish, while in the Custody of the Registrar, and not in use, shall be always kept in the Register Box, which shall always be left locked.

Register Boxes to be provided.

XXI. Upon the Application of the Registrar General there shall be furnished to him, from Time to Time from Her Majesty's Stationery Office, all such Stationery, Books, Certificates, Notices, and Forms as shall be necessary in the Execution of this Act, and as the Registrar General shall require and direct, and the Register Books shall be of durable Materials, and in them shall be printed upon each Side of every Leaf the Heads of Information herein required to be known and registered of Births, Deaths, and Marriages respectively, and every Page of each Book shall be numbered progressively by printed Numbers from the Beginning to the End of the Book, beginning with Number One; and every separate Entry shall be also numbered progressively by printed Numbers from the Beginning to the End of the Book, beginning with Number One, and every Entry shall be divided from the following Entry by a printed Line; and the Registrar General shall furnish to the Registrar of every Parish a sufficient Number of Register Books of Births, and of Register Books of Deaths, and of Register Books of Marriages.

Books to be provided.

XXII. In every Case in which any Registrar, Interim Registrar, or Assistant Registrar shall die or be removed from or resign or otherwise cease to hold his Office, all Register Boxes, Keys, Books, Documents, and Papers in his Possession as Registrar, Interim Registrar, or Assistant Registrar, or which shall come into the Possession of his Representatives, shall be delivered up as soon as conveniently may be to his Successor in Office, or to such other Person as the Parochial Board or the Sheriff shall direct; and if any Person shall refuse to give up any such Box, Key, Book, Document, or

On Removal or Death of Registrars Register Boxes, Books, &c., to be delivered up to Successors.

Paper in such Case as aforesaid, it shall be lawful for the Sheriff of the County where such Person shall be or reside, upon summary Application made for that Purpose by the Parochial Board or any one authorized by them, or without such Application, to issue a Warrant for bringing such Person before such Sheriff; and upon such Person not appearing or not being found, it shall be lawful for the Sheriff to hear and determine the Matter in a summary Way; and if it shall appear to him that any such Box, Key, Book, Document, or Paper is in the Custody or Power of any such Person, and that he has refused or wilfully neglected to deliver the same, the Sheriff is hereby authorized and required to commit such Person to the Common Gaol of such County, or to any legal Gaol or Place of Confinement within the same, near the Place where such Person may be or reside, there to remain without Bail until he shall have delivered up the same, or until Satisfaction shall have been given in respect thereof to the Person whose custody the same ought to be, or to the Parochial Board, and the Sheriff may grant a Warrant to search for such Box, Key, Book, Document, or Paper, as in the Case of stolen Goods, in any Dwelling House or other Premises in which it shall be proved to him by the Oath of any credible Witness there is reasonable Cause to suspect the same to be, and such Box, Key, Book, Document, or Paper, when found, shall be delivered to the Person in whose Custody the same ought to be.

Registrars to dwell in Parish and put their Names on their Houses, and their Names to be affixed on Doors of Places of Public Worship.

XXIII. The Registrar and Assistant Registrar shall dwell or have a known Place of Business within the Parish or Division of a Parish of which he is Registrar or Assistant Registrar; and every Registrar shall cause his Name, with the Addition of Registrar for the Parish or Division of a Parish for which he shall be so appointed, to be placed in some conspicuous Place outside of or on or near the outer Door of his own Dwelling House and of his usual Place of Business if different or apart from his Dwelling House; and the Sheriff shall cause to be printed and affixed for *Two* consecutive Sundays in the Month of *November One thousand eight hundred and fifty-four*, and in the Month of *July* yearly thereafter, upon some conspicuous Place on the Doors of all the known Places of Public Worship within the County of which he is Sheriff a List of the Names and Places of Abode of every Registrar and Assistant Registrar in such County.

Registrar to learn and register Births and Deaths.

XXIV. Every Registrar shall, subject to the Regulations to be made as aforesaid, be and he is hereby authorized and required to inform himself carefully of every Birth and Death which shall happen within his Parish or Division of a Parish, and to learn and register, as soon after the Event as conveniently may be done,

done, and without Fee or Reward, save as herein-after provided, in One of the said Register Books the Particulars required to be registered, according to the Forms in the Schedules (A.) and (B.) hereunto annexed respectively, touching every such Birth or every
 5 such Death, as the Case may be, every such Entry being made in Order from the Beginning to the End of the Book as aforesaid.

XXV. The Parents or Parent, or in case of the Death or Inability of the Parents, the Person in charge of every Child born, and the Occupier of every House or Tenement in which to his or
 10 her Knowledge any Birth shall take place, and the Nurse present at such Birth, and in the Case of an illegitimate Child, the Mother of such Child, or in case of the Death, Illness, or Inability of the Mother, the Person in charge of such Child, or the Occupier of the House in which to his or her Knowledge the Child was born, or the
 15 Nurse present at the Birth of such Child shall, within *Forty-two* Days next after the Day of such Birth, give or cause to be given Notice of such Birth to the Registrar of the Parish or Division in which the Birth occurred, under a Penalty, not exceeding *Twenty* Shillings, to be paid in case of Failure by the Parents or either of them,
 20 or Person in charge of the Child, and by such Occupier or Nurse.

Parents, &c.
to give
Notice of
Births.

XXVI. In case any Person shall find exposed any new-born Child, or the dead Body of any new-born Child, such Person shall forthwith give Notice of the finding of such exposed new-born Child, or the
 25 dead Body of such new-born Child, to the Registrar of the Parish or Division, or to the Inspector of the Poor thereof, and such Registrar or Inspector shall give the like Notice to the Procurator Fiscal; and any such Person or Registrar or Inspector failing to give the Notice hereby required shall be liable in a Penalty not exceeding *Forty* Shillings.

Intimation of
finding new-
born Child or
dead Body of
new-born
Child.

30 XXVII. The Parents of every legitimate Child and the Mother of every illegitimate Child born in Scotland, or the Father, if in charge of such illegitimate Child, or in case of the Death, Illness, Absence, or Inability of the Parents the Person in charge of the Child, the Occupier of the House or Tenement in which such Child
 35 shall have been born, or other Person present at such Birth, or other Person being an Inmate of such House or Tenement, and having Knowledge of the Particulars, shall, upon being required personally or by written Requisition, within *Three* Months after the Date of such Birth, and under a Penalty not exceeding *Forty* Shillings in case of
 40 Failure, give Information to the Registrar of the Parish in which such Birth occurred, according to the best of his or her Knowledge and Belief, of the several Particulars hereby required to be registered

Particulars
of Births to
be communi-
cated to
Registrars.

touching the Birth of such Child, and if required shall sign a Notice communicating such Information to the Registrar, or otherwise shall sign the Register in the Presence of the Registrar.

Registrar
may require
any Child to
be produced.

XXVIII. In case of any Doubt existing as to the Sex or regarding the Birth of any Child, it shall be lawful for the Registrar to require 5 the Production of the Child, and the Parents or any Person in charge of the Child shall be bound to produce it to the Registrar, unless prevented by the Illness of the Child, or other Reason satisfactory to the Registrar, under a Penalty of *Forty* Shillings in case of Non-compliance. 10

Register of
Children
born at Sea.

XXIX. If any Child of a Scottish Parent shall be born at Sea on board of a British Vessel after the said *Thirty-first Day of December One thousand eight hundred and fifty-four*, the Captain or Com- manding Officer of such Vessel shall forthwith make a Minute of the several Particulars hereby required to be registered, touching 15 the Birth of such Child, so far as the same may be known, and the Name of the Vessel in which the same took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other earlier Opportunity, send a certified Copy of such Minute 20 through the Post Office to the Registrar General in Edinburgh, who shall file the same, and shall cause a true and correct Copy thereof, verified by his own Signature, to be entered in a Book to be kept for that Purpose in the General Registry Office, to be called "The Marine Register," and the Registrar General shall keep such Book with the certified Copies of Registers according to the Provisions of 25 this Act; and the Registrar General shall, within *Three Days* after the Receipt of such Minute, transmit a like Copy to the Registrar of the Parish in which the Child's Parents are or were last domiciled, if known to him, and such Registrar shall forthwith enter the Particulars specified in such Copy in his Register, noticing such Transmission 30 therein in such Manner as shall be prescribed by the Registrar General.

Registration
after *Three*
Months from
the Birth of
the Child.

XXX. After the Expiration of *Three Months* following the Day of the Birth of any Child it shall not be lawful for any Registrar to register such Birth save as herein provided; and in case the Birth of any Child shall not have been registered according to the Provisions 35 herein-before made, it shall be lawful for either of the Parents of any legitimate Child, and for the Mother of any illegitimate Child, or for the Guardians of any legitimate or illegitimate Child, at any Time within *Six Months* next after the Birth, to make a Declaration in Writing before the Sheriff of the Particulars required to be registered, 40 touching the Birth of such Child according to the best of his or her Knowledge and Belief, and it shall thereupon, with the written Authority

of

of the Sheriff be lawful for the Registrar to register the Birth of such Child according to the Information of the Person making such Declaration; and in every such Case the Sheriff before whom such Declaration is made shall, at the First convenient Opportunity, 5 sign in the Register the Entry of the Birth as well as the Registrar; and for every such Registration, and previous thereto, the Registrar shall be entitled, unless the Delay shall have been occasioned by his Default, to a Fee of *Two Shillings* and *Sixpence* from the Person requiring such Birth to be registered; and no Register of Births shall 10 be admissible in Evidence to prove the Birth of any Child wherein it shall appear that *Three Months* have intervened between the Day of the Birth and the Day of the Registration of the Birth of such Child, unless the Entry shall be signed by the Sheriff or it shall otherwise appear that the Entry was made by his written Authority; 15 and every Person who shall knowingly register or cause to be registered the Birth of any Child otherwise than herein provided after the Expiration of *Three Months* following the Day of the Birth of such Child shall forfeit and pay for every such Offence a Sum not exceeding *Five Pounds*.

20 XXXI. After the Expiration of *Six Months* following the Birth of any Child it shall not be lawful for any Registrar to register the Birth of such Child; and no Register of Births, except in the Case of Children born at Sea, shall be admissible in Evidence to prove the Birth of any Child wherein it shall appear that more than *Six Months* have 25 intervened between the Day of the Birth and the Day of the Registration of the Birth of such Child; and every Person who shall knowingly register or cause to be registered the Birth of any Child after the Expiration of *Six Months* following the Day of the Birth of such Child shall forfeit and pay for every such Offence a Sum not exceeding 30 *Five Pounds*; Provided always, that it shall be lawful for the Sheriff, on Cause shown to his Satisfaction, to direct any Birth to be registered in the Parish or Division within his Jurisdiction in which the Birth took place, upon Compliance, as far as possible, with the Requisites in respect of Registration herein specified, and upon Payment of the Fees of Registration, and of such Penalty, not exceeding 35 *Five Pounds*, as he shall think fit.

Births not to be registered after *Six Months*, except by Authority of the Sheriff.

XXXII. If any Child, whose Birth shall have been registered as aforesaid, shall, within *Six Months* next after such Registration, have any Name given to it in Baptism, or shall have the 40 Name by which it may have been registered altered in Baptism, the Parent or Guardian of such Child, or other Person procuring such Name to be given, may procure and deliver to the Registrar in whose Custody the Register of the Birth of the Child 45 *shall* [66.] B 2 *shall*

Name given in Baptism after Registration may be registered within *Six Months*.

shall be a Certificate according to the Form of Schedule (D.) to this Act annexed, or to the like Effect, signed by the Minister or Clergyman who shall have administered the Sacrament of Baptism, which Certificate such Minister or Clergyman is hereby required to deliver immediately after the Baptism, or, whenever the same shall be demanded, within *Six Months* as aforesaid; and the Registrar upon the Receipt of such Certificate, and on Payment of the Fee of *One Shilling*, to which he shall be entitled, shall, without any Erasure of the Entry, forthwith insert the Name by which the Child was baptized in the Register, and shall, after Entry of the Name in the Register, 10 certify upon the Certificate the Fact of the Name being so entered, and transmit the Certificate through the Post Office to the Registrar General, who shall cause the like Entry of the Name to be made in the certified Copy of the Register in the General Registry Office, and shall preserve the Certificate. 15

Provision
for Name
given with-
out Baptism
after
Registration.

XXXIII. In the Case of any Child of Parents not recognizing the Sacrament of Baptism or Infant Baptism, it shall be lawful for such Parents or the Guardians of such Child, within *Six Months* after the Birth of any such Child shall have been registered, when any Name shall have been given to any such Child according to the Rites 20 or Usage of the Sect or Persuasion to which such Parents belong, to deliver to the Registrar in whose Custody the Register of the Birth of such Child shall be, a Certificate in the Form of the Schedule (E.), to this Act annexed, or to the like Effect, signed by such Parents or Guardians, whereupon, and upon Payment of a Fee of *One Shilling*, 25 such Registrar shall, without Erasure as aforesaid, register therein the Name of such Child; and such Certificate shall be certified and transmitted by the Registrar to the Registrar General in the like Manner, and to the like Effect as is herein-before prescribed regarding Certificates in relation to Names given in Baptism. 30

Clergyman
on Nonpro-
duction of
Certificate
of Registra-
tion of Birth
to send
Notice to
Registrar.

XXXIV. Every Clergyman or other Person officiating in the Administration of the Sacrament of Baptism shall before administering such Sacrament require the Production of a Certificate of the Registration of the Birth of the Child, and failing such Production such Clergyman or other Person shall forthwith intimate the Baptism of 35 such Child, with all the Information which he may have regarding the Birth and Parentage of such Child, to the Registrar of the Parish in which the Parents of such Child reside.

Name of
Father of
illegitimate
Child not to
be entered
unless at

XXXV. In the Case of an illegitimate Child it shall not be lawful for the Registrar to enter the Name of any Person as the Father 40 of such Child, unless at the joint Request of the Mother and of the Person acknowledging himself to be the Father of such Child, and who

- who shall in such Case sign the Register as Informant along with the Mother: Provided always, that when the Paternity of any illegitimate Child has been found by Decree of any competent Court, the Clerk of Court shall, within *Ten* Days after the Date of such Decree
- 5 send by Post to the Registrar of the Parish in which the Father is or was last domiciled, or in which the Birth shall have been registered, Notice of the Import of such Decree in the Form of the Schedule (K.) to this Act annexed, or to the like Effect, under a Penalty of *Forty* Shillings in case of Failure; and on receipt of such
- 10 Notice the Registrar shall add to the Entry of the Birth of such Child in the Register the Name of the Father and the Word "Illegitimate;" and in like Manner in the event of any Child registered as illegitimate being subsequently found by Decree of any competent Court to be legitimate, the Clerk of Court shall
- 15 notify such Decree to the Registrar, in the Form as nearly as may be of the said Schedule (K.), who shall forthwith make upon the Margin of the Register in which the Birth is entered, and opposite to such Entry, a Note of such Decree and of the Import thereof, under a Penalty of *Forty* Shillings in case of Failure.
- 20 XXXVI. In the event of any Child, registered as illegitimate, being legitimated per subsequens matrimonium, such Marriage may be registered by the Parents in the Manner hereby prescribed with regard to regular Marriages registered under this Act; and a Copy of the Entry of such Marriage in the Register
- 25 may be produced by the Parents of such Child, or some one duly authorized by them, to the Registrar of the Parish in which the Birth of such illegitimate Child was registered, and shall thereupon be noted on the Margin of the Register opposite to the Entry of the Birth.
- 30 XXXVII. The nearest Relatives present at the Death of any Person, and the Occupier of the House or Tenement in which the Death took place, and if the Occupier be the Person who shall have died, his nearest Relatives and the Inmates of the House or Tenement in which such Death shall have taken place, shall, under a Penalty not
- 35 exceeding *Forty* Shillings, within *Eight* Days next after the Day of such Death, give or cause to be given Notice of such Death to the Registrar of the Parish in which such Death shall have happened.

request of Father and Mother; but if Paternity or Legitimacy of Child fixed by Decree of Court, the Clerk to notify same to the Registrar.

Correction of Registration of Children legitimated per subsequens matrimonium.

Persons present at Death or Occupier of House, or Inmate, to give Notice of Death.

- XXXVIII. In the event of any Person dying not in a House or Tenement the Occupier of the House or Tenement in which such Person was at the Time lodging or residing, or if the Person
- 40

In case of Persons dying not in a House.

dying shall have been the Occupier, then the Inmates of such House or Tenement, upon respectively receiving Information of such Death, shall, within *Twenty-four* Hours thereafter, give or cause to be given Notice thereof to the Registrar of the Parish within which the Deceased lodged or resided, under a Penalty not exceeding *Forty* Shillings; and 5 if it shall not be known where the Deceased lodged or resided, any Person present at the Death or finding the Body, and any Parish or public Officer, or any Party to whom the Body shall be brought, and who shall receive the same, shall in like Manner, and under the like Penalty in case of Failure, be bound to give the like Notice thereof to the 10 Registrar of the Parish in which the Body shall be so found, or in which it shall be so received, and the Registrar shall immediately thereupon communicate such Notice to the Procurator Fiscal, under a like Penalty in case of Failure; and in case the Procurator Fiscal shall receive such Notice from any other Person than the Registrar, 15 the Procurator Fiscal shall, within *Three* Days, communicate such Particulars as are by this Act required to be registered, so far as within his Knowledge, to the Registrar:

Medical
Attendant or
Person pre-
sent at
Death, near
Relatives or
Occupiers of
House, to
give Infor-
mation
required by
the Regis-
trar.

XXXIX. The nearest Relatives present at the Death of any Person and the Medical Attendant or other Person who shall have 20 been in Attendance during the last Illness and until such Death, or the Occupiers of the House or Tenement in which such Death shall have taken place, or if such Death shall not have taken place within a House, then every Person present at such Death or having Knowledge of the Circumstances attending the same, 25 shall within *Fourteen* Days, after being required by the Registrar, personally or by written Requisition, and under a Penalty not exceeding *Five* Pounds in case of Refusal or Failure, give Information to the Registrar according to the best of his Knowledge and Belief of the several Particulars hereby required to be 30 registered touching the Death of such Person, and shall either give such Information, signed by the Informant, in the Presence of and attested by *Two* Witnesses, or shall in the Presence of the Registrar sign the Entry in the Register: Provided always, that in every Case in which a Precognition touching the Death of any Person shall be held, 35 the Procurator Fiscal, having regard to the Particulars herein required be registered concerning the Death, shall in such Form and Manner as shall be prescribed by the Sheriff, with the Approbation of the Lord Advocate, inform the Registrar of the Result of such Precognition, and the Registrar shall, without requiring the Procurator Fiscal to 40 sign the same, make the Entry accordingly, stating the Procurator Fiscal as his Informant.

XL. If

XL. If any of Her Majesty's Scottish Subjects shall die at Sea on board of a British Vessel after the said *Thirty-first Day of December One thousand eight hundred and fifty-four*, the Captain or Commanding Officer of the Vessel on board of which such Death shall have happened shall forthwith make a Minute of the several Particulars herein-before required to be inserted in the Register touching such Death, so far as the same may be known, and the Name of the Vessel wherein the Death took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other earlier Opportunity send a certified Copy of such Minute through the Post Office to the Registrar General in Edinburgh, who shall file the same, and shall cause a true and correct Copy thereof, verified by his own Signature, to be entered in "The Marine Register Book," and shall within *Three Days* after the Receipt of such Minute transmit a like Copy to the Registrar of the Parish in which he Deceased was domiciled, if known to him, so that the Registrar thereof may forthwith make the requisite Entry in the Register of Deaths.

Register of
Persons
dying at
Sea.

XLI. Every Registrar immediately upon registering any Death, or as soon thereafter as he shall be required so to do, shall without Fee or Reward deliver to the Informant for the Use of the Undertaker or other Person having Charge of the Funeral, a Certificate under his Hand, according to the Form of Schedule (F.) to this Act annexed, that such Death had been duly registered, and such Certificate shall be delivered by such Undertaker or other Person to the Person having the Charge of the Churchyard, Church, Chapel, Aisle, Vault, or other Place of Interment, or having the Control, Management, or Superintendence of the burial of the Dead in the Place of Interment in which the Body is to be buried; and if any dead Body shall be buried for which no Certificate shall have been so delivered, the Undertaker or other Person having Charge of the Funeral, or the Person having Charge of such Churchyard or other Place of Interment, shall within *Eight Days* thereafter give Notice thereof to the Registrar of the Parish in which such Death shall have happened, according to the Form of Schedule (G.) to this Act annexed, or to the like Effect: Provided always, that the Procurator Fiscal, upon any Precognition being held, may authorize the Body to be buried, if he shall think fit, before Registry of the Death, and shall in such Case give a Certificate of his Authority in Writing under his Hand, according to the Form of Schedule (H.) to this Act annexed, to such Undertaker or other Person having Charge of the Funeral, which shall be delivered as aforesaid; Provided also, that every Undertaker or other Person having the Charge of the Funeral, and every Person having the Charge of the Churchyard or Place of Interment who shall bury any dead Body where the Death shall not have been Registered, or for which no Certificate shall have been duly

Registrar to
give Certifi-
cate of
Registration
of Death to be
delivered by
Undertaker
at Inter-
ment, and
Procurator
Fiscal may
authorize a
Burial before
Registration.

made and delivered as aforesaid either by the Registrar or Procurator Fiscal, and who shall not within *Eight* Days give Notice thereof to the Registrar of the Parish in which the Death occurred, shall be liable to a Penalty not exceeding *Ten* Pounds for every such Offence.

5

Information
to Registrar
to be signed
by Informant.

XLII. Excepting in the Case of the Procurator Fiscal being the Informant, no Register of Birth or Death, according to this Act, shall be admissible in Evidence which shall not be signed by the Informant, he being such Party as is herein required to give such Information to the Registrar.

10

Registrar to
attend
Parties with
the Register.

XLIII. If the Parties bound to give Information to the Registrar for completing his Register shall not attend him for that Purpose, he shall make Intimation to them requiring them to attend him for such Purpose at his Place of Abode or known Place of Business where the Register is kept, at an Hour, to be fixed in such Intimation, between 15 the Hours of *Eight* of the Clock in the Morning and *Six* of the Clock in the Evening; and in case of their failing to attend, then the Registrar shall make Intimation that he will attend such Parties for such Purpose at their Place of Abode or Place of Business, at an Hour, to be fixed in such Intimation, between the Hours of *Eight* of 20 the Clock in the Morning and *Six* of the Clock in the Evening, and the Hour of Attendance in both Cases shall be at an Interval of at least *Twenty-four* Hours from the Date of Delivery of the Intimation; and in case of the Parties failing to be present at the Hour of such last Appointment, they shall be liable in a Penalty not exceeding 25 *Forty* Shillings, and the Registrar shall thereupon renew such last Intimation for another Hour on another Day at the like Interval, and within such Hours of the Day as aforesaid; and if the Parties shall fail to be present at such renewed Appointment they shall be liable in the like Penalty not exceeding *Forty* Shillings; and the Registrar 30 shall renew such Intimation in the like Manner and under the like Penalty on Failure, until the Register be completed.

Registrars to
make out
Account of
Number of
Births and
Deaths half-
yearly, and
Assessment
to be levied
and Payment
made in re-
spect thereof.

XLIV. Every Registrar shall make out an Account twice in every Year of the Number of Births and Deaths which he shall have registered in the Half Years terminating on the *last* Day of *June* and the *last* Day 35 of *December* next preceding, and the Sheriff shall examine and verify or cause the same to be examined and verified; and it shall be lawful for the Parochial Board of the Parish, on Production of such Account so verified and signed by the Sheriff, to levy by Assessment the Sums required for Payment to the Registrar of the Amount of his Account so 40 verified

verified, and such further Sum as may be necessary for his Remuneration, and for the Expenses of taking the Duplicate Registers yearly to the Sheriff; and such Assessment shall be made and levied in the same Manner as the Assessment is made and levied for the Support of the
5 Poor; and if there shall be no Assessment for the Support of the Poor in such Parish, then such Assessment shall be made and levied either in the same Manner as the Rate for the Support of Prisons is made and levied; or in such other Manner as the Sheriff may direct; and the Parochial Board shall pay to the Registrar such Sums as he shall be entitled to
10 receive in terms of such verified Account according to the following Scale; (that is to say,) for the first *Twenty* Entries of Births and Deaths in every Year which he shall have registered, whether the same be of Births or of Deaths indiscriminately, *Two Shillings and Sixpence* each, and *One Shilling* for each subsequent Entry of Births and of
15 Deaths in every Year; and in the event of such Fees being deemed inadequate to his Remuneration, such further Sum as the Parochial Board shall, subject to the Approbation of the Sheriff, think fit.

XLV. Provided that it shall be lawful for the Parochial Board, with the Approbation of the Sheriff, to place the Registrar and
20 Assistants upon annual Salaries, the Amount of which shall be fixed by the Parochial Board, with the Approbation of the Sheriff; and such Salaries shall be paid by the Parochial Board out of the Assessment to be levied as herein-before directed, and the Fees received by the Registrars and Assistants, which, in such Case shall
25 be paid over by them to the Parochial Board.

XLVI. In all Cases of regular Marriage in Scotland, the Persons contracting such Marriage, at the Time of the Solemnization thereof or within *One Month* thereafter, shall register such Marriage and shall
30 sign along with *Two* Witnesses in the Presence of the Registrar of the Parish in which such Marriage took place, the Entry of such Marriage in the Register Book to be kept by the Registrar, and the Registrar shall make such Entry according to the Form of Schedule (C.) to this Act annexed; and if the Persons so contracting Marriage, together with *Two* Witnesses as aforesaid, shall, at the
35 Solemnization of the said Marriage or within *Ten* Days thereafter, attend upon the Registrar for the Purpose of signing the Entry in the Register, the Registrar shall for such Entry be entitled to a Fee of *One Shilling*, and if such Persons shall so attend after *Ten* Days and within *One Month* of contracting the Marriage, the
40 Registrar shall be entitled to a Fee of *Five Shillings*: Provided always, that Persons so solemnizing Marriage shall be entitled to obtain Registration of their Marriage by Transmission within *One Month* thereafter to the Registrar of a Certificate of the Solemniza-

Registrars may be paid by Salary.

Persons contracting Marriage to register same within One Month.

tion under the Hand of the Clergyman who celebrated the same, signed also by the Persons solemnizing their Marriage and by Two Witnesses present at the Solemnization thereof, and if such Certificate shall be transmitted to the Registrar within *Ten Days* after the Marriage has been solemnized, the Registrar shall be entitled to 5 charge for the Entry the Sum of *One Shilling* only; Provided also, that where the married Parties are both of the Jewish Religion and the Marriage has been solemnized according to the Rites and Forms observed by Parties professing the Jewish Religion, or where the married Parties are both Quakers, and the Marriage has 10 been solemnized according to the Rites and Forms observed by the Society of Friends, commonly called Quakers, such Parties shall be entitled to obtain Registration of their respective Marriages by Transmission within *One Month* thereafter to the Registrar of a Certificate of the Solemnization thereof; in Cases where the Parties are Jews, 15 signed by the Secretary of the Jewish Synagogue in which the Marriage was solemnized, and also by the Persons solemnizing their Marriage and by *Two* Witnesses present at the Solemnization thereof; and in Cases where the Parties are Quakers, by the Registering Officer of the Society of Friends, and also by the Persons solemnizing their 20 Marriage, and by *Two* Witnesses present at the Solemnization thereof; and if such Certificate shall be transmitted to the Registrar within *Ten Days* after the Solemnization of such Marriages respectively, the Registrar shall be entitled to charge for the Entry the Sum of *One Shilling* only; and if any Persons shall fail to register their 25 Marriage in manner herein-before prescribed at the Solemnization thereof or within *One Month* thereafter, the Husband, and failing the Husband, the Wife, shall be liable in a Penalty of *Five Pounds*.

Registrar to attend Parties when required to register Marriage.

XLVII. It shall be competent to the Persons intending to contract 30 Marriage to require the Registrar of the Parish to attend at the Solemnization thereof, or within *One Month* thereafter, at any Place within such Parish; and such Registrar is hereby required, upon a written Notice of *Forty-eight* Hours given to him to that Effect, to attend with the Register Book accordingly, and to make 35 the proper Entry therein, and for such Attendance and Entry, if at the Solemnization, or within *Ten Days* of the Solemnization of such Marriage, the Registrar shall be entitled to a Fee of *One Pound One Shilling* besides the Sum of *Sixpence* for each Mile which such Registrar shall be obliged to travel in going from his Place of Abode 40 to the Place of such Marriage; and if such Attendance shall be required after *Ten Days*, but within *One Month* of the Contraction of such Marriage, the Registrar shall, for such Attendance and Entry, be entitled to a Fee of *Two Pounds Two Shillings*, besides the Sum

of

of *Sixpence* for each Mile which such Registrar shall be obliged to travel as aforesaid.

- XLVIII. Provided always, That if either of the Parties contracting Marriage shall die within the respective Periods of *Ten Days* or *One* 5 Month after such Marriage, it shall be competent to the Survivor, or in the event of both of such Parties dying within the said respective Periods it shall be competent to any near Relative of either of the Parties within the said respective Periods, or within *Ten Days* after the Death of the Survivor, to obtain Registration of such Marriage by 10 attending the Registrar of the Parish within which such Marriage took place, or by requiring his Attendance at any Place within such Parish, and then and there, in Presence of the Registrar, along with *Two* Witnesses who were present at the Marriage, signing the Entry in the said Register, which Entry the Registrar is hereby required to 15 make on Payment of the Fees for the Attendance and Entry hereinbefore provided; and the Registrar shall state in such Entry the Death of the Party or Parties contracting the Marriage, and the Name and Designation of the Person giving the Information requisite for the said Entry, and such Entry shall be in the Form of the said Schedule 20 (C.) with the Docquet No. 2. thereto annexed.

In case of either or both of the married Parties dying within the *Ten Days* or *One Month*, Marriage may be registered by Survivor or Relative.

- XLIX. In the event of any Parties contracting Marriage as aforesaid, and having incurred the Penalties aforesaid, by Failure to register such Marriage within the said Period of *One Month*, it shall be competent to the Registrar, having obtained thereto the Approbation of the 25 Sheriff, and he is hereby required to enter the said Marriage, with all requisite Particulars, in the Register, stating in the Docquet to the Entry, and in such Form as shall be prescribed by the Sheriff, the Reason why the Entry was not made at the Date of the said Marriage, and till after the Expiration of the *One Month*.

Marriages may be registered after *One Month*.

- L. Every Clergyman officiating at the Solemnization of any Marriage, and every Secretary of any Jewish Synagogue, and every Registering Officer to the Society of Friends, after any Marriage between Persons of the Jewish Religion, or between Persons belonging to the Society of Friends, shall respectively within *Ten Days* after 35 the Solemnization or Celebration of such Marriage, unless the Registrar shall have been present thereat, send by Post or deliver to the Registrar of the Parish within which such Marriage has been solemnized or celebrated, Notice in the Form of the Schedule (I.) to this Act annexed, or to the like Effect, under a Penalty not exceeding *Forty* Shillings in case of Failure; and every such Secretary or Registering Officer, whether he shall or shall not be present at such Marriage, shall satisfy himself that the Proceedings in relation 40 [66.] C 2 thereto

Clergyman or Person present at Solemnization, Celebration, or Contraction of Marriage, to send Notice to Registrar.

thereto have been conformable to the Usages of the Persons professing the Jewish Religion, or of the said Society of Friends, as the Case may be; and such Notices shall be delivered in the Month of *August* yearly by the Registrar to the Sheriff, to be by him transmitted to the Registrar General for Preservation with the Duplicate 5 Registers in the Custody of the Registrar General.

Marriages of
Persons
fined for
irregular
Marriages to
be registered.

LI. In the event of any Persons being convicted before any Magistrate of having irregularly contracted a Marriage, such Magistrate shall, in the Decree or Sentence to be pronounced by him against such Persons, decern for Payment to the Registrar of the 10 Fees of Registration of such Marriage, as the Fine or Penalty or Part of the Fine or Penalty to be imposed on such Persons; and it shall be lawful for either of the Parties to such irregular Marriage, and they are severally hereby required to register such Marriage in the Register of Marriages for the Parish in which such Decree or 15 Sentence shall be pronounced, or in which such irregular Marriage shall have taken place, and the Production to the Registrar of an Extract of such Decree or Sentence shall be sufficient Evidence and Warrant for the Registration of such Marriage in the said Register, on Payment to him of the Fees of such Registration. 20

Justices of
the Peace
and Wit-
nesses to
give Notice
to Registrar
of irregular
Marriages.

LII. Every Justice of the Peace, Magistrate, or other Person, before whom any irregular Marriage shall in any Form be contracted, and every Witness to any irregular Marriage contracted by Acknowledgment of Marriage before such Witness, shall within *Three Days* after the Contraction of such Marriage, give Information thereof to the 25 Registrar of the Parish in which such Marriage was contracted, either by personally attending the Registrar, or by Letter transmitted to him by Post, and in either Case stating all such Particulars in so far as the same are known to him or them, as are by this Act required to be registered; and any such Justice, Magistrate, or other Person or 30 Witness failing so to do shall be liable in a Penalty not exceeding *Five Pounds*.

Clergymen,
Medical
Practi-
tioners, and
Undertakers
to keep
Registers of
Births,
Deaths,
and Mar-
riages, open
to the
Registrar's
Inspection.

LIII. Every Clergyman officiating in the Solemnization of Marriage, or in the Administration of the Sacrament of Baptism, shall keep a regular Register, in which shall be entered within *Three Days* there- 35 after every Marriage and Baptism which shall be solemnized or administered by him; and in like Manner every Medical Practitioner, Accoucheur, Midwife, or Nurse shall keep a Register, in which shall be entered within *Three Days* thereafter every Death or Birth at which they shall respectively be present; and every Undertaker or Person 40 having charge of Funerals shall keep a Register, in which shall be noted within the like Period thereafter every such Funeral; and every

every such Register shall contain all the Particulars necessary for the Identification of the Individual to whose Marriage, Birth, Death, or Burial they respectively relate, and shall be open at all reasonable Times to the Inspection of the Registrar of the Parish wherein

5 the same is kept; and such Registrar shall once in every Month inspect and may take Copies of the Entries in such Register or Extracts therefrom; and every Clergyman, Medical Practitioner, Accoucheur, Midwife, Nurse, and Undertaker who shall be in the Exercise of their Functions at the Date of the *passing of this Act* shall

10 intimate in Writing his or her Address or Residence to the Registrar of the Parish in which he or she resides, on or before the *Thirtieth Day of November One thousand eight hundred and fifty-four*; and every such Person who shall commence the Exercise of such Functions after the *passing of this Act* shall make the like Intimation to

15 the Registrar on or before the *Thirtieth Day of November* in the Year in which he or she shall so commence, and in case of any Change of Address or Residence shall intimate such Change within *Seven Days* thereafter.

LIV. All the Registers hereby appointed to be kept shall be kept

20 in Duplicate, and such Duplicates shall be paged continuously alike, and each Page shall be authenticated by the Sheriff affixing his Initials thereto before Delivery thereof to the Registrars, and each Entry in each of the Duplicate Register Books shall be made in Presence of *Two* Witnesses, who shall sign the same; and the Contents of each

25 Page of such Duplicate Register Books shall be the same, and each Page shall be signed by the Registrar; and in the *First Week of August* in each Year, on such Day as shall be fixed by the Sheriff, the Duplicate Register Books shall be taken by the Registrar to the Sheriff, by whom, along with the Registrar, the same

30 shall be carefully examined and compared, and a Docquet shall be added at the End of each Duplicate, stating the Examination and Accuracy thereof, the Number of Pages, and any marginal Additions or Erasures appearing on either Duplicate, so as to preclude the Possibility of Interpolation, and such Docquet shall be

35 signed by the Parties examining the Duplicates; and One of such Duplicates shall be retained by the Registrar, and the other shall be transmitted by the Sheriff to the Registrar General on or before the *Thirty-first Day of August* in each Year; and the Sheriff when transmitting such Duplicate shall report any Circumstance relating

40 to the Registers to which he may think the Attention of the Registrar General ought to be called.

Registers to be kept in Duplicate and annually examined by the Sheriff, and Duplicate to be transmitted to the Registrar General.

LV. If in the course of any Year any such Additions or Alterations as are directed or authorized by this Act to be made on the

Additions to or Alterations of the Registers

Registers shall be so made, the Registrar shall make a Minute in Duplicate of such Additions or Alterations, and on the Day in the Month of *August* when the Sheriff shall examine the Duplicate Registers, as herein-before provided, the Registrar shall deliver One of such Duplicate Minutes to the Sheriff together with all the relative 5 Documents, and the Sheriff shall, if necessary, inquire into the Accuracy of the Facts therein set forth, and if erroneous, correct the Minute; and thereupon the Sheriff and Registrar shall examine and authenticate the Duplicate Minutes, and One thereof shall be retained by the Registrar, and the other shall be transmitted by the Sheriff 10 through the Post Office to the Registrar General, with the Duplicate of the Registers, and such Minute shall be deemed and taken to be a Part of the Registers, and the Alterations and Additions so authenticated shall forthwith be given effect to on or opposite to the Entries in the Duplicate Registers for the Periods to which such 15 Alterations and Additions apply.

Penalty on Registrars failing to deliver Registers or Certificates when required.

LVI. Any Registrar who, after being required to make and deliver to the Registrar General any Register of Birth, Death, or Marriage, or Duplicate Register, or to make and deliver any Certificate of having registered any Birth, Death, or Marriage hereby directed to 20 be made and delivered, shall refuse or neglect for *One Month* so to do, shall for every such Offence be liable to a Penalty not exceeding *Ten Pounds*.

Duplicate Register to supply the Place of any Register destroyed or become illegible.

LVII. If any Duplicate Register in the Custody of the Registrar shall be lost, destroyed, or mutilated, or shall have become illegible, in 25 whole or in part, such Fact shall be forthwith communicated by the Registrar to the Registrar General, who shall require the Registrar immediately to transmit to him the Duplicate Register which shall have been mutilated or become illegible; and the Registrar General shall thereupon present a Petition to one of the Divisions of the Court 30 of Session, setting forth the Fact of the Loss, Destruction, Mutilation, or total or partial Illegibility, as the Case may be, of such Duplicate Register, and the Date of the Discovery of such Loss, Destruction, Mutilation, or total or partial Illegibility of such Duplicate, and the Court, on being satisfied regarding the same, and after such Inti- 35 mation as they may think proper, shall order such Register to be corrected or completed, or a new Duplicate to be made, at the Sight of the Registrar General, and such corrected or completed Duplicate, or new Duplicate, authenticated by the Signature of the Registrar General, and sealed with the Seal of the General Registry Office, 40 shall thereupon become in all respects of the same Force and Validity as the original Duplicate.

LVIII. The

LVIII. The Registrar General shall cause tabular alphabetical Indexes of the Duplicate Registers in his Custody to be made and kept in the General Registry Office, and every Person shall be entitled, on Payment of the Fees herein-after mentioned, to search such Indexes 5 between the Hours of *Ten* in the Morning and *Four* in the Afternoon of every Day except Sunday, and to have a certified Copy of any Entry in the said Duplicate Registers; and for every general Search of such Indexes the Sum of *Twenty Shillings*, and for every particular Search the Sum of *One Shilling*, and for every 10 certified Copy of any Entry the Sum of *Two Shillings and Sixpence*, and no more, shall be paid to the Registrar General, or such other Officer as shall be appointed to receive such Fees on his Account.

Indexes to be kept at General Registry Office, where they may be searched.

LIX. Every Registrar shall forthwith cause tabular alphabetical Indexes of the Duplicate Registers in his Custody to be made and 15 kept in the Registrar's Office, and every Person shall be entitled at all reasonable Hours to search the said Indexes subject to such Regulations as the Sheriff may prescribe, and to have a certified Copy of any Entry or Entries in such Registers under the Hands of the Registrar, on Payment of the Fees herein-after mentioned, (that is to say,) for every 20 general Search the Sum of *Two Shillings and Sixpence*, and for every Search for a particular Register of Birth, Death, or Marriage the Sum of *One Shilling*, and for every certified Copy the Sum of *Two Shillings and Sixpence* for each Entry contained therein; and each Registrar shall keep an accurate Account of the Monies received by him during 25 each Year, and shall render the same to the Registrar General at such Times as he shall direct.

Indexes of Parish or Division Registers to be made, which may be searched.

LX. The Registrar General shall cause to be made a Seal of the said General Registry Office, and shall cause to be sealed or 30 stamped therewith, all certified Copies of Entries given in the said Office, and all certified Copies of Entries sealed or stamped with the Seal of the said Registry Office shall be admissible throughout the United Kingdom, and other Her Majesty's Dominions, in Evidence of the Birth, Death, or Marriage, to which the same relates without any further or other Proof of such Entry, and no 35 certified Copy purporting to be given in the General Registry Office shall be of any Force or Effect which is not sealed or stamped as aforesaid.

Seal to be kept at General Registry Office.

LXI. Every Sum received by the Registrar General under the Provisions of this Act shall be accounted for, and paid by the Registrar 40 General at such Times as the Lords Commissioners of Her Majesty's Treasury from Time to Time shall direct into the Bank of England to the Credit of Her Majesty's Exchequer, according to the Provisions

Money received by Registrar General to be accounted for.

4 & 5 Will. 4.
c. 15. of an Act passed in the Fourth and Fifth Years of His late Majesty, intituled "An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster," or be applied by Order of the said Commissioners towards the Payment of the Expenses of the said General Registry Office in Edinburgh. 5

Penalty on
giving false
information.

LXII. Every Person who shall knowingly and wilfully make or cause to be made, for the Purpose of being inserted in any Register of Birth, Death, or Marriage, any false or fictitious Entry, or any false Statement regarding the Name of any Person mentioned in the Register, or touching all or any of the Particulars by this Act required 10 to be registered shall be deemed guilty of an Offence, and on Conviction shall be punishable by Transportation for a Period not exceeding *Seven* Years, or by Imprisonment for a Period not exceeding *Two* Years.

Penalty on
Registrar for
omitting to
register, or
for injuring
the Register.

LXIII. Every Registrar who shall refuse, or, without reasonable 15 Cause, omit to register any Marriage which he is by this Act required to register, or any Birth or Death of which he shall have had due Notice as aforesaid, and every Person having the Custody of any Register or Duplicate thereof, or any Minute, Notice, or Certificate made or given pursuant to this Act, who shall carelessly 20 lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a Sum not exceeding *Fifty* Pounds for every such Offence.

Penalty for
destroying or
falsifying
Register,
&c.

LXIV. Every Person who shall wilfully destroy, obliterate, erase, or injure any Entry, or cause to be destroyed, obliterated, erased, 25 or injured any such Register, or Duplicate thereof, or any Minute, Notice, or Certificate made or given pursuant to this Act, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register or Duplicate, or any such Minute, Notice, or Certificate, or shall wilfully insert or make, 30 or cause to be inserted or made in any such Register or Duplicate, any false or fictitious Entry of, or any false Statement touching any Birth, Death, or Marriage, or shall wilfully give any false Certificate, or falsify any Certificate, or shall certify any Writing to be a Copy or Extract of any such Register, knowing the same to be 35 false or fictitious in any Part thereof, or shall forge or counterfeit the Seal of the General Registry Office, shall on Conviction thereof be liable to be punished by Transportation for a Period not exceeding *Seven* Years, or by Imprisonment for a Period not exceeding *Two* Years. 40

For correct-
ing errone-
ous Entries.

LXV. If any Error shall be discovered to have been com-
mitted in the Entry of any Birth, Death, or Marriage in any such Re-
gister,

- gister, the Person discovering the same shall forthwith give Information thereof to the Sheriff, and it shall be lawful for the Sheriff, and he is hereby authorized and required, thereupon, or upon otherwise coming to the Knowledge of such erroneous Entry, to summon before him
- 5 the Person who made, and any Person concerned in the making such erroneous Entry, or having Knowledge regarding the same, and also any Person interested in the Effect of such erroneous Entry, and to examine all such Persons upon Oath; and if the Sheriff shall be satisfied that any Error has been committed in any such Entry, he shall, by
- 10 Authority in Writing under his own Hand, direct a corrected Entry of the Birth, Death, or Marriage, in relation to which such Error has been committed, and bearing the Date of the Correction to be made in a separate Register Book, to be called "The Register of corrected Entries," and in such corrected Entry Reference shall be made to the Depositions upon
- 15 which the Correction of the Error has proceeded, and the Sheriff shall also make or cause to be made an Entry or Marking upon the Margin of the original Entry of such Birth, Death, or Marriage in the Duplicate Registers, but shall not alter the original Entry, distinctly referring by Volume and Page and Date to the Entry made in "The Register of
- 20 corrected Entries;" and if the Duplicate Register has not yet been transmitted to the Registrar General, the Sheriff shall authorize and cause to be made such Reference in the Margin of such Duplicate; and the Sheriff shall, every Year, transmit such "Register of corrected Entries" to the Registrar General, at the same Time and in the same
- 25 Manner as is provided for the Transmission of Duplicates of Registers.

- LXVI. Provided always, That Errors committed in the Form or Substance of any Entry may be corrected according to the Truth of the Case before the Entry is signed, such Correction being set forth in the Docquet to be Signed as in the relative Schedules hereunto
- 30 annexed; and if any Correction is intended to be made by Erasure or Obliteration, the same shall be effected by drawing a Line through the erroneous Words or Figures, but so as to leave the same legible; and any Alteration relative to such Correction shall be made as near as may be to the Correction, and the Registrar shall affix his Signature
- 35 thereto.
- Errors in Entry may be corrected before signing.

- LXVII. All Penalties imposed by this Act, may, unless otherwise directed, be recovered by summary Proceedings upon Complaint in Writing made by the Procurator Fiscal to the Sheriff of the County within which such Penalty shall be incurred, or to the Sheriff of any
- 40 County in which the Person complained against may be found; and on such Complaint being made, such Sheriff shall issue a Warrant for bringing such Person immediately before him, or shall issue an Order requiring such Person to appear at a Time and Place to be named in
- Recovery and Application of Penalties.
- [66.] D such

such Order ; and every such Order shall be served on the Person complained against, either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order and of the Complaint whereon the same has proceeded ; and either upon the Appearance or on the Default to appear of such Person, it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of the Offence either by the Confession of the Person complained against, or upon the Oath of One or more credible Witness or Witnesses, and without any written Pleadings or Record of Evidence to convict the Offender, and upon such Conviction to decree, adjudge, and sentence him to pay the Penalty incurred, and the Expenses attending the Conviction, and to grant Warrant for imprisoning him until such Penalty and Expenses shall be paid ; Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period, at the Expiration of which the Offender shall be discharged notwithstanding such Penalty and Expenses shall not have been paid, and which Period shall in no Case exceed *Two Months*, and such Penalty shall go to the Registrar General ; and the Decision of the Sheriff in all such Cases shall be final and conclusive, and shall not be subject to Review in any Court or by any Process whatsoever.

Limitation
of summary
Prosecu-
tions.

LXVIII. The Prosecution for every Offence punishable upon summary Conviction by virtue of this Act shall be commenced within *Twelve Months* after the Commission of the Offence, or after the Cause of Action shall have occurred.

25

Town Coun-
cils of Burghs
to have
Powers of
Parochial
Boards.

LXIX. Where any Parish shall be situated in a Burgh, the Town Council of such Burgh shall have and possess all the Powers hereby conferred on Parochial Boards, and shall be liable to the Discharge of all the Duties hereby imposed on such Boards ; and such Powers and Duties shall be exercised and discharged by such Town Council as nearly as may be in Terms of the Provisions herein contained relative to such Parochial Boards.

Penalties not
exigible if
Notice given.

LXX. No Penalty imposed by this Act on Parties failing to give any Notice required by this Act shall be exigible, if any of the Parties so required shall have given such Notice.

35

Correspon-
dence of
Registrar
General
relating to
this Act how
to be
defrayed.

LXXI. *The Expense attending the Postage or Carriage of all Letters and Packets relating exclusively to the Execution of this Act, sent by the General Post from Place to Place in Great Britain and Ireland, to or from the Registrar General, and also the Expense of registering any Letter containing any Register transmitted through the Post Office, shall be defrayed as a Part of the Expense of the General Registry Office*

- Office herein-before provided for: Provided always, that such Letters and Packets as shall be sent to the Registrar General be directed to the Registrar General in Edinburgh, and all such Letters and Packets as shall be sent by the Registrar General shall be in Covers, with the Words
- 5 "Registrar General, Edinburgh," printed on the same, and be sealed with the Seal of the General Registry Office, and be signed on the Outside thereof under such Words with the Name of such Person as the Registrar General, with the Consent of the Lords Commissioners of Her Majesty's Treasury, shall appoint, in his own Handwriting,
- 10 such Name to be from Time to Time sent to the Secretaries of the General Post Office in London, Edinburgh, and Dublin, and under such other Regulations as the said Commissioners shall think fit; and if the Person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such only concerning which he shall
- 15 receive the special Direction of his superior Officer, or which he shall himself know to relate exclusively to the Execution of this Act, or if the Person so to be appointed, or any other Person, shall knowingly send or cause to be sent, under any such Cover, any Letter, Paper, or Writing, or any Enclosure other than shall relate exclusively to the
- 20 Execution of this Act, every Person so offending shall forfeit and pay the Sum of One hundred Pounds, and be dismissed from his Office, One Moiety of such Penalty to be paid to the Use of Her Majesty, Her Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same, to be sued for or recovered in any
- 25 competent Court.

LXXII. Nothing herein contained shall affect or dispense with the Proclamation of Banns, or affect or alter the Law of Marriage in Scotland.

Proclamation of Banns and Law of Marriage not affected.

- LXXIII. The Registrar General shall, within Three Months
- 30 after his Appointment to such Office, and from Time to Time as he shall think fit, furnish to the respective Sheriffs of the several Counties in Scotland such printed Notices respecting the Acts required to be done under this Act by the Persons who are herein required to give Notice or Information with regard to any Birth,
- 35 Death, or Marriage as he shall think it requisite to be publicly known, which Notices the Sheriffs shall, as soon as conveniently may be after the Receipt thereof, cause to be affixed on the Outside of the Doors of the several Places, Churches, and Places of Worship, or other public and conspicuous Buildings or Places within their respective Counties.
- 40

Registrar General to furnish Notices of Acts required to be done to Sheriff Clerks for Publication on Doors of Places of Worship, &c.

LXXIV. Wherever Notice is required to be given by this Act, the Person bound to give the Notice shall be held to have sufficiently discharged himself if he shall have put into the Post Office, before the

Notices may be given by Post.

Expiration of the Period within which the Notice is required to be given, a Letter addressed to the Person to whom, and containing the Particulars of which, the Notice is required to be given.

Parties may
sign by a
Mark before
Witnesses.

LXXV. In case of the Inability to write of any Person whose Signature is required or necessary under this Act, it shall be lawful for such Person to adhibit a Cross or other Mark, and being adhibited in Presence of the Registrar, or Sheriff, or other Witnesses, such Mark shall be in all respects as binding and effectual as the Signature of such Person if capable of writing would have been.

No Penalty
where
Failure not
wilful.

LXXVI. No Penalty shall be exacted in any Case where it shall appear to the Satisfaction of the Sheriff that the Party failing to comply with the Provisions of this Act, in relation to the giving Notices under the same, has not wilfully been guilty of such Failure, but that such Failure has been occasioned by unavoidable Accident, or by Circumstances over which he had no Control, and where he has used every reasonable Endeavour towards Compliance with such Provisions.

Registrar
General may
alter
Schedules.

LXXVII. It shall be lawful for the Registrar General, with the Consent of Her Majesty in Council, to alter, from Time to Time, the Fees hereby authorized to be taken, and the Schedules to this Act annexed, regard being always had to the Objects and Purposes of this Act, and to rendering the same more effectual; and such Alteration of Fees or Schedules shall be published in the Edinburgh Gazette, and shall within *Fourteen* Days after the same shall have been issued, be laid before both Houses of Parliament, or if Parliament shall not be then sitting, within *Fourteen* Days after the Meeting of the then next Session.

Interpreta-
tion of Act.

LXXVIII. The following Words and Expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Registrar General" shall mean the Registrar General of Births, Deaths, and Marriages in Scotland, for the Time being, appointed and acting under this Act:

The Word "Parish" shall include any Division of a Parish made in pursuance of this Act:

And with regard to any Birth, Death, or Marriage herein mentioned, the Words "Registrar" and "Assistant Registrar" shall mean the Registrar and Assistant Registrar of the Parish, or Division of a Parish, in which such Birth, Death, or Marriage took place or such Marriage was solemnized, celebrated, or contracted;

contracted; and the Word "Register" shall mean the Duplicate Registers of Births, Deaths, and Marriages to be kept and made pursuant to this Act:

5 The Word "Sheriff" shall mean the Sheriff of the County of which he is Sheriff, and shall include Sheriff Substitutes:

The Words "Procurator Fiscal" shall mean the Procurator Fiscal of the County or Division of a County of which he is Procurator Fiscal:

10 The Word "Occupier" shall include the Guardian, Master, Governor, Keeper, Steward, House Surgeon, or Superintendent of every Gaol, Prison, or House of Correction, Workhouse, Hospital, Lunatic Asylum, or public charitable Institution.

LXXIX. This Act shall extend only to Scotland.

Act to
extend only
to Scotland.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

1855. Births in the Parish of _____ in the County of *Edinburgh*. Registered by *John Smith*, Registrar.

No.	Child.			Parents.		Informant.	Witnesses.	When, where, and by whom registered.
	Name, and whether Infant present or not.	Sex.	When born. Year, Day, Hour.	Where born. If in Lodgings, so stated.	Father. Name; Rank, Profession, or Occupation; Age; Birthplace; Place and Date of Registration of Birth.	Mother. Name; Maiden Name; Age; Birthplace; Place and Date of Registration of Birth.		
98	<i>John Anderson</i> (Present). Alteration of Name if any, and Date thereof.	Male.	1855. February Eleventh. 5h. 30m. a.m.	4, North Street, Edinburgh.	<i>James Walker</i> , Wine Merchant, 30 Years. Glasgow. Registered in Parish of Glasgow, 7 March 1824.	<i>Jane Walker</i> , Maiden Name Hill, (her 4th Child). 20 Years. Stirling. Registered in Parish of Stirling, 1 April 1825.	<i>Margaret Johnston</i> , Nurse. Certified by <i>George Pebré</i> , Accoucheur.	1855. February 21st. At Edinburgh. <i>John Smith</i> , Registrar.

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

DOCKET.—I hereby sign this Entry in Testimony of the Facts therein stated at *Edinburgh*, the _____ Day of _____ 18____, as the Case may be,) "the following (And in case any Error is to be corrected before signing, say,) "the following Words being deleted," (here state the Words deleted), or (or "and," as the Case may be,) "the following Words being inserted" (here state the Words inserted) "before signing."

James Walker.*John Smith*, Registrar.

SCHEDULE (B).

1855. Deaths in the Division of the Parish of in the County of Edinburgh. Registered by John Thomson, Registrar.

No.	Description.			(1) Cause of Death, and how long continued. (2) Medical Attendant, by whom certified, and when he last saw Deceased.	(1) Burial Place. (2) Undertaker by whom certified.	(1) Where born and registered. (2) How long in this District.	(1) Parents' Names, and (2) Rank, Profession, or Occupation.	If Deceased was married.		Signatures of (1) Informant, (2) Witness, and, (3) Registrar. (4) Date of Registration.
	(1) Name. (2) Rank, Profession, or Occupation.	Sex.	Age.	(1) When and (2) Where died, No. of Street, Year, Day, Hour.				Where, At what Age, and to whom, and where registered.	Issue, in Order of Birth, their Names and Ages.	
301	William Canty, Labourer.	M.	62	1855, February Twenty- eighth, 6h. 30m. a.m., at 16, Cottage Lane, Edin- burgh.	Burial Ground, Edinburgh. As certified by George Watkins, Undertaker.	County of Cork, Ireland, and re- gistered in Parish of in that County. in Edin- burgh. 36 Years in Edin- burgh.	Timothy Canty, Shoemaker, deceased. Mary Canty, Maiden Name Nicolas, deceased.	Married in Parish, Ireland, and registered there. Age 22, to Honora McCarty.	1. Timothy, 31. 2. William, 36. 3. Mary, 29. 4. John, dec. at 27, in 1854. 5. Catherine, dec., at 1, in 1828. 6. Stephen, 21.	Honora Canty, her X Mark, Widow, Inform- ant. Mary Canty, Daughter, Witness. John Thomson, Regis- trar. March Third, 1855.

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

Docquet.—I, who was present at the Death (or state Cause of Knowledge), hereby sign this Entry in Testimony of the Facts therein stated, at Edinburgh, this
Day of , 18 ,
“and,” as the Case may be, “the following Words being inserted” (here state the Word inserted) “before signing.”
“and,” in case an Error is to be corrected before signing, say “the following Words being deleted” (here state the Word deleted) or (or

James Johnston, Witness.
William Peeble, Witness.

Honora Canty, her X Mark.

John Thomson, Registrar.

SCHEDULE (C.)

1855: Marriages in the Parish of in the County of Edinburgh. Registered by John Smith, Registrar.

No.	When, where, and how Married.	Signatures of the Parties or Mark.	Residence.		Age.	Rank or Profession.	Condition.		Birth Place, and when and where registered.	Parents.		If a regular Marriage, Minister and Witnesses.	If irregular, Name of Persons before whom declared.	When, where, and by whom registered.
			Present.	Usual.			If a Widower or when formerly married and registered, Date of Decease of former Wives or Husbands.	Children by each former Marriage.		Names.	Rank, Profession, or Occupation.			
11	On March Third, 1855 At Edinburgh: Marriage (after Banns) was solemnized between us according to the Rites and Ceremonies of the Established Church of Scotland.	William Hastings. Sophia Ann Mitchell.	6, High Street, Edinburgh.	Chelmsford, Essex.	32	Carpenter	Widower, formerly married on 5 Nov. 1847, at Bath, and registered there on 18 Nov. 1847. Former Wife died on 4 Nov. 1848. Spinster.	2 Living.	Born and registered on 1 May 1822, at Bristol.	Peter Hastings deceased, and Ann Hastings Maiden Name Payne.	Upholsterer. Schoolmistress.	Rev. James Brown, High Church, Edinburgh, Officiating Minister.	Declared before Andrew Raitt, Justice of the Peace for the County of Edinburgh, in Presence of James Petrie and Alfred Scott, as Witnesses.	1855, March 4th. At Edinburgh. John Smith, Registrar.
			4, Hamilton Place, Edinburgh.	4, Hamilton Place, Edinburgh.	20	Dressmaker			Born and registered at Perth.	John Mitchell and Sarah Mitchell, Maiden Name Evans, deceased.	Butcher.	John Hastings and Jane Mitchell, Witnesses.		

The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.

SCHEDULE (C.)—continued.

DOCQUET No. 1.

We, the Parties to the above Marriage, hereby sign this Entry, in Testimony of the Facts therein stated, this _____ Day of _____ in Presence of these Witnesses (*naming and describing the Witnesses*). (*And in case any Error is to be corrected before signing, say*) “the following Words being deleted” (*here state Words deleted*); or (or “and” *as the Case may be*) “the following Words being inserted” (*here state the Words inserted*) “before signing.”

_____ } *Signatures
of the
Witnesses.*

Entered by me, this

_____ } *Signatures
of the
Parties.*

Day of

18

John Smith, Registrar.

DOCQUET No. 2.

I (Widow or Widower, or a near Relative, *as the Case may be*) of the above-named (_____) who died on the Day of _____ 18____, (or “on the _____ Day of _____ and the _____ Day of _____ 18____, respectively” *in the Case of the Death of both Parties*), and since the above Marriage was solemnized, and we (*naming and describing the Witnesses*), who declare ourselves to have been present at the Solemnization of the said Marriage, do hereby sign the Register in Testimony of the Facts therein stated, this _____ Day of _____ 18____.

_____ } *Signatures
of the
Witnesses.*

Entered by me, this

_____ } *Signature of the
Widow, Widower,
or near Relative.*

Day of

18

John Smith, Registrar.

SCHEDULE (D.)

I _____ Minister of _____ do hereby certify,
 that I have this Day baptized by the Name of _____ a (*state*
the Sex) Child produced to me by _____ as the Child of
 A. B. and C. D. of _____ and declared by the said
 _____ to have been born at _____ in the County
 of _____ on the _____ Day of _____ One thousand eight
 hundred and _____ Witness my Hand, this _____ Day
 of _____ One thousand eight hundred and _____
 _____ Minister.

SCHEDULE (E.)

I _____ do hereby certify that the Child named
 _____ was born at _____ in the County of _____
 on the _____ Day of _____ One thousand eight hundred and _____
 ; that A. B. and C. D., of _____ are the Parents
 of the said Child ; and that the Name _____ was given
 to the said Child on the _____ Day of _____ One thousand
 eight hundred and _____ according to the Rules or Usage of the
 Sect or Persuasion of _____ to which the said Parents belong.
 Witness my Hand, this _____ Day of _____ One
 thousand eight hundred and _____
 [Signed by Parent or Guardian of Child.]

SCHEDULE (F.)

I _____ Registrar of Births, Deaths, and Marriages, in
 the Parish of _____ do hereby certify, that the Death of A. B. of
 _____ was duly registered by me, on the _____ Day of
 _____ One thousand eight hundred and _____ Witness
 my Hand, this _____ Day of _____ One thousand eight
 hundred and _____
 _____ Registrar.

SCHEDULE (G.)

To the Registrar of the Parish of _____ in the County of _____
 . Take notice, that upon the _____ Day of _____
 18 _____ the Body of A. B. of _____ was buried
 in the (*here insert the Name of the Churchyard or other Place of*
Interment).

(Signed by the Undertaker or other Person having Charge of the
 Funeral, or the Person having Charge of the Place of Interment.)

SCHE-

SCHEDULE (H.)

I _____ Procurator Fiscal of the County of _____
do hereby authorize the Burial of the Body now shown to me as the
Body of *A. B.* of _____ . Witness my Hand this
Day of _____ One thousand eight hundred and _____
_____ Procurator Fiscal.

SCHEDULE (I.)

To the Registrar of the Parish of _____ in the
County of _____ Take notice, that upon the
Day of _____ One thousand eight hundred and _____
a Marriage was solemnized (*or celebrated*) between *A. B.* of _____
and *C. D.* of _____ in my Presence, and in the
Presence of *E. F.* and *G. H.* [*naming and describing the Witnesses.*]
[*Signed by the Clergyman, Secretary, or Registering Officer*
officiating or present at the Marriage, adding his Description
to his Name, and by the Parties and Two Witnesses.]

SCHEDULE (K.)

To the Registrar of the Parish of _____ in the
County of _____ Take notice, that the Court of Ses-
sion [*or other competent Court*], upon the _____ Day of _____
18____, pronounced Decree in an Action before
the said Court, at the Instance of [*Pursuer's Name and Description*],
against [*Defender's Name and Description*], relating to the Paternity
of [*describe the Child*], finding that the said Child was the illegitimate
Child of the said [*Pursuer and Defender's Names*].

[*Signed by the Clerk of Court.*]

Registration of Births, &c.

(Scotland.)

A

B I L L

To provide for the better Registration
of Births, Deaths, and Marriages in
Scotland.

*(Prepared and brought in by
Lord Elcho, Viscount Palmerston, and
The Lord Advocate.)*

*Ordered, by The House of Commons, to be Printed
7 April 1854.*

[Bill 66.]

Under 5 oz.

Registration of Births, &c. (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

- Present System of Registration to cease on 31st December 1854, and this Act to come into operation; Sect. 1.
- Her Majesty may provide an Office, and appoint a Registrar General; 2.
- The Registrar General may appoint a Secretary; 3.
- Appointment of Clerks and other Officers; 4.
- Expenses of Registry Office and Books, &c., how to be provided; 5.
- Regulations for Management of Office and Duties of Officers to be framed; 6.
- Abstract of Registers to be laid annually before Parliament; 7.
- Registrar for each Parish to be elected by the Parochial Board; 8.
- Meetings of Parochial Board to be called by the Inspector of the Poor; 9.
- Parishes may be divided or united; 10.
- Sheriff may annex small Portion of a Parish to the Parish adjoining; 11.
- Election of Registrar by Parochial Board; 12.
- Where there is no Parochial Board the Heritors may appoint the Registrar; 13.
- Registrar may appoint Assistant; 14.
- Registrars not to acquire vested Rights in their Offices, and to be subject to Removal; 15.
- Appointments to be exempt from Stamp Duty; 16.
- Fees payable to Registrar; 17.
- Existing Registers, &c. to be delivered up to the Registrars appointed under this Act; 18.
- Provision as to Sessional Registers; 19.
- Provision as to Burial Registers; 20.
- The Sheriff to superintend Registrars; 21.
- Register Boxes to be provided; 22.

[Bill 126.]

a

Books

Books to be provided; 23.

On Removal or Death of Registrars, Register Boxes, Books, &c., to be delivered up to Successors; 24.

Registrars to dwell in Parish and put their Names on their Houses, and their Names to be affixed on Doors of Places of Public Worship; 25.

Registrar to learn and register Births and Deaths; 26.

Parents, &c. to give Notice of Births; 27.

Intimation of finding new-born Child or dead Body of new-born Child; 28.

Particulars of Births to be communicated to Registrars; 29.

Registrar may require any Child to be produced; 30.

Register of Children born at Sea; 31.

Registration after Three Months from the Birth of the Child; 32.

Births not to be registered after Six Months, except by Authority of the Sheriff; 33.

Name given in Baptism after Registration may be registered within Six Months; 34.

Provision for Name given without Baptism after Registration; 35.

Clergyman, on Non-production of Certificate of Registration of Birth, to send Notice to Registrar; 36.

Name of Father of illegitimate Child not to be entered unless at Request of Father and Mother; but if Paternity or Legitimacy of Child fixed by Decree of Court, the Clerk to notify same to the Registrar; 37.

Correction of Registration of Children legitimated per subsequens matrimonium; 38.

Persons present at Death, or Occupier of House, or Inmate, to give Notice of Death; 39.

In case of Persons dying not in a House; 40.

Near Relatives or Medical Attendant or Person present at Death, or Occupiers of House, to give Information required by the Registrar; 41.

Register of Persons dying at Sea; 42.

Registrar to give Certificate of Registration of Death to be delivered by Undertaker at Interment, and Procurator Fiscal may authorize a Burial before Registration; 43.

Registrar to attend Parties with the Register; 44.

Registrars to make out Account of Number of Births and Deaths half-yearly, and Assessment to be levied and Payment made in respect thereof; 45.

Registrars

- Registrars may be paid by Salary; 46.
- Forms to be supplied gratis; 47.
- Registration of regular Marriages; 48.
- Registrar to attend Parties when required to register Marriages; 49.
- Marriages of Persons fined for irregular Marriages to be registered; 50.
- Justices of the Peace to give Notice to Registrar of irregular Marriages; 51.
- Certificate of Entry of Birth or Death to be given; 52.
- Registers to be kept in Duplicate and annually examined by the Sheriff, and Duplicate to be transmitted to the Registrar General; 53.
- Additions to or Alterations of the Registers; 54.
- Penalty on Registrars failing to give Certificates when required; 55.
- Duplicate Register to supply the Place of any Register destroyed or become illegible; 56.
- Indexes to be kept at General Registry Office, where they may be searched; 57.
- Indexes of Parish Registers to be made, which may be searched; 58.
- Extracts of Entries to be admissible as Evidence; 59.
- Money received by Registrar General to be accounted for; 4 & 5 W. 4. c. 15; 60.
- Penalty on giving false Information; 61.
- Penalty on Registrar for omitting to register; 62.
- Penalty for destroying or falsifying Register, &c.; 63.
- For correcting erroneous Entries; 64.
- Errors in Entry may be corrected before signing; 65.
- Recovery and Application of Penalties; 66.
- Town Councils of Burghs to have Powers of Parochial Boards; 67.
- Penalties not exigible if Notice given; 68.
- Correspondence of Registrar General relating to this Act how to be defrayed; 69.
- Proclamation of Banns and Law of Marriage not affected; 70.
- Registrar General to furnish Notices of Acts required to be done to Sheriff Clerks for Publication on Doors of Places of Worship, &c.; 71.
- Notices may be given by Post; 72.
- Parties may sign by a Mark before Witnesses; 73.

No Penalty where Failure not wilful ; 74.

Registrar General may alter Schedules ; 75.

Interpretation of Act ; 76.

Act to extend only to Scotland ; 77.

SCHEDULES.



(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for the better Registration of Births,
Deaths, and Marriages in Scotland.

WHEREAS it is expedient that a complete and uniform Preamble.
System of Registration of Births, Deaths, and Marriages
should be established and maintained in Scotland: Be it
enacted by the Queen's most Excellent Majesty, by and with the
5 Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority of
the same, as follows:

I. From and after the Thirty-first Day of December One thousand Present
eight hundred and fifty-four the present System of Registration of System of
10 Births, Deaths, and Marriages in Scotland shall cease and determine, Registration
and this Act shall come into operation: Provided always, that all to cease on
existing Registers of Births, Deaths, and Marriages which shall 31st Decem-
have been or shall be kept and used in Scotland previous to or ber 1854,
on the said Thirty-first Day of December One thousand eight hundred and this Act
15 and fifty-four, and all Extracts and Certificates from such Registers, to come into
shall be and remain of the same legal Force and Effect in all respects operation.
as if this Act had not been passed.

[Bill 126.]

A

II. On

Her Majesty
may provide
an Office, and
appoint a
Registrar
General.

II. On and after the passing of this Act it shall be lawful for Her Majesty to provide a proper Office in the General Register House at Edinburgh, to be called "The General Registry Office of Births, "Deaths, and Marriages," in which shall be kept and preserved a Register of all Births, Deaths, and Marriages in Scotland, and to appoint, under 5 the Seal appointed to be used in Scotland in place of the Great Seal thereof, the Person for the Time being holding the Office of the Deputy of the Lord Clerk Register of Scotland to be Registrar General of Births, Deaths, and Marriages in Scotland; and such Registrar General shall be paid, in addition to whatever Salary he may enjoy as 10 Deputy Clerk Register, a Salary not exceeding Pounds per Annum.

The Registrar General
may appoint
a Secretary.

III. It shall be lawful for the Registrar General, with the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the Time being, to appoint 15 a Secretary, who may act in his Absence with all the Powers and in the Discharge of all the Duties hereby given to or imposed upon the Registrar General; and such Secretary shall be paid a Salary not exceeding Pounds per Annum.

Appointment of
Clerks and
other
Officers.

IV. It shall be lawful for the Registrar General, with the Appro- 20 bation of the said Commissioners of Her Majesty's Treasury, to appoint such Clerks, Officers, and Servants as shall be deemed necessary to carry on the Business of the General Registry Office, and at pleasure, with the like Approbation, to remove them or any of them, and, with the like Approbation, to fix the Salaries of such Clerks, 25 Officers, and Servants, according to the Duties and Services which they may have respectively to perform.

Expenses of
Registry
Office and
Books, &c.,
how to be
provided.

V. The Salary of the Registrar General and Secretary, and all the Expenses of the General Registry Office, including the Expenses of Clerks, Officers, and Servants, and of Books and Stationery, and all 30 Expenses incurred from Time to Time in the Publication and Transmission of Notices in pursuance of this Act, or otherwise, under the Directions and by the Authority of the Registrar General, or of the Sheriff, and all other Expenses connected with the Business of the said Office not herein otherwise provided for, shall be paid by the 35 said Commissioners of Her Majesty's Treasury out of any Monies to be hereafter voted by Parliament for that Purpose.

Regulations
for Manage-
ment of
Office and
Duties of
Officers to be
framed.

VI. One of Her Majesty's Principal Secretaries of State, or the Registrar General with the Approbation of such Principal Secretary, shall and may from Time to Time make Regulations for the Manage- 40 ment of the General Registry Office, and for the Discharge of the Duties

Duties of the Registrar General, Clerks, Officers, and Servants of the said Office, and of the Registrars and Assistant Registrars herein mentioned, so that such Regulations be not contrary to the Provisions of this Act; and the Regulations so made and approved shall be binding on the

5 Registrar General and Secretary, and the Clerks, Officers, and Servants, and on the Registrars and Assistant Registrars; and a Copy of all such Regulations shall be laid before both Houses of Parliament within Six Weeks after the same are approved of, or if Parliament shall not be then sitting, within One Month after the Commencement of the

10 next Session.

VII. The Registrar General shall transmit once in every Year to Her Majesty's Secretary of State for the Home Department a General Abstract of the Numbers of Births, Deaths, and Marriages registered during the foregoing Year, in such Form and at such Date

15 as such Secretary shall from Time to Time prescribe; and every such annual General Abstract shall be laid before Parliament within One Month after Receipt thereof, or if Parliament shall not be then sitting, within One Month after the Commencement of the next Session.

Abstract of Registers to be laid annually before Parliament.

VIII. A Registrar of Births, Deaths, and Marriages shall be elected

20 in manner herein-after provided by the Parochial Board of each Parish, (including the several Parishes erected or to be erected under the Provisions of an Act passed in the Seventh and Eighth Year of the Reign of Her present Majesty, Chapter Forty-four,) not being a Burgh or Part of a Burgh, appointed and acting under an Act passed in the

25 Eighth and Ninth Year of the Reign of Her present Majesty, Chapter Eighty-three, and such Parochial Board shall be the Judges of the Qualification of Persons to be elected to the Office of Registrar: Provided always, that any Session Clerk who is in Office at the Date of the passing of this Act shall be the Registrar under this Act for

30 the Parish of which he is Session Clerk, unless it shall be proved to the Sheriff that he is unfit for the Office of Registrar, or that the Duties he has to discharge are incompatible with such Office.

Registrar for each Parish to be elected by the Parochial Board.

IX. The Meetings of the Parochial Board in any such Parish for the Trial of the Qualifications and the Election of a Registrar shall be

35 called by the Inspector of the Poor acting under the said Act, by the Direction either of the Sheriff or of the Parochial Board, in such and the like Manner as the ordinary Meetings of the Parochial Board are called under the said Act, and such Meetings shall be called and held forthwith after the passing of this Act; and such Inspector shall,

40 within Six Days after a Vacancy in the Office of Registrar of the Parish of which he is Inspector shall become known to him, apply to the Sheriff or the Parochial Board to appoint a Time and Place for a Meeting of the Parochial Board for the Purpose of electing a Registrar

Meetings of Parochial Board to be called by the Inspector of the Poor.

to supply such Vacancy; and in case there shall happen to be no Inspector for the Time, the Chairman of the Parochial Board shall make such Application to the Sheriff, or shall himself appoint a Time and Place for such Meeting: Provided, that if the Vacancy be caused by the Death of a Registrar who was a Schoolmaster, it shall be competent to the Sheriff, or the Parochial Board, or Chairman calling the Meeting, to postpone the Election, for any Period not exceeding Four Months, until the Election of the Successor of such Schoolmaster.

Parishes may
be divided
or united.

X. If it shall at any Time appear to the Sheriff, either from his own Knowledge, or from Information received from the Parochial Board, that the Duties of Registrar of any Parish are or will be greater than can be efficiently discharged by One Registrar, or that it is otherwise desirable that Two or more Parishes or Portions of Parishes should be united into One District, the Sheriff may divide such Parish or unite such Parishes or Portions of Parishes into One or more Districts as he shall think fit, and each such District shall be held to be and be a separate Parish for the Purposes of this Act; and the Sheriff shall fix the distinctive Name by which each such District shall be called for the Purposes of this Act; and a written or printed Notice of such Division or Union, setting forth such distinctive Names, shall be affixed on the Doors of all the Churches within the Parish or Parishes thereby affected for Three consecutive Weeks before such Division or Union shall come into operation, and be published Twice a Week for Three consecutive Weeks in Two Newspapers published or usually circulated in the Parishes or in the County in which the same are situated: Provided always, that any Session Clerk who, under the Provisions of this Act, would be entitled to be Registrar of any Parish, shall be the Registrar of such One of the said Districts as shall be appointed by the Sheriff.

Sheriff may
annex small
Portion of
a Parish to
the Parish
adjoining.

XI. It shall be lawful for the Sheriff, if he shall deem it expedient, in order to avoid any Doubt as to the Boundary of a Parish or otherwise, to annex, for the Purposes of this Act, any small Portion of a Parish to an adjoining Parish: Provided always, that any Charges payable out of the Parochial Funds for Registrations in respect of such Portion so annexed shall be payable and paid by the Parish from which such Portion is detached to the Parish to which the same is annexed: Provided also, that the Parochial Board of the Parish from which such Portion is taken shall have no Voice in the Election of the Registrar of the Parish to which the same is annexed.

Election of
Registrar by
Parochial
Board.

XII. At the Time when this Act shall come into operation, and at any Time thereafter when there shall be a Vacancy in the Office of Registrar, the Parochial Board shall, subject to the Provisions hereinbefore contained, by a Majority of the Votes of the Members present at a Meeting specially called for the Purpose, elect the Registrar of the

the Parish or District; and in case any Dispute or Difference shall arise as to the voting or Majority of Votes at such Election, or any other Proceedings connected therewith, the same shall be settled summarily by the Sheriff on hearing verbally the Parties or their
 5 Agents; and in all Cases of temporary Vacancy of the Office of Registrar, by Death or otherwise, the Sheriff shall appoint an Interim Registrar, who shall, during the Time he shall act, have the like Powers and be bound to discharge the like Duties as the Registrar; and in all Cases of the Election or Appointment of a Registrar or
 10 Interim Registrar, such Election or Appointment shall, within Ten Days thereof, be intimated in Writing to the Registrar General by the Parochial Board or the Sheriff, as the Case may be.

XIII. In case there shall not be a Parochial Board acting under the said Act in any Parish or District at the Time when this Act shall
 15 come into operation, or at any Time thereafter, in which it is necessary to elect a Registrar under this Act, the Heritors shall, subject to the Approbation of the Sheriff, appoint a Registrar therein.

Where there is no Parochial Board Heritors may appoint the Registrar.

XIV. It shall be lawful for every Registrar, with the Approbation of the Parochial Board, or where there is no Parochial Board with
 20 the Approbation of the Sheriff, to appoint, by a Writing under his Hand, a fit Person, for whom he shall be responsible, to be his Assistant in case of his Illness or unavoidable Absence, or otherwise ceasing to hold his Office, until the Appointment of another Assistant, and also to act in all Cases where such Assistant may be authorized
 25 or required so to do by any Regulation to be made in virtue of this Act, and it shall also be lawful for such Registrar, with the like Approbation, to dismiss such Assistant; and the Entries made in the Registers of Births, Deaths, and Marriages herein-after mentioned, and Extracts made therefrom, and the Duties performed by such Assistant
 30 Registrar, shall be of the like Force and Effect as if made or performed by the Registrar: Provided always, that each Folio or Page of such Registers on which any Entry shall be made shall be signed by the Registrar, and every such Entry shall be authenticated by him, by affixing his Initials thereto, unless where the Registrar shall by Indisposition
 35 or other sufficient Cause be unable to act, in which Case such Assistant shall sign and authenticate such Registers, and the Entries therein.

Registrar may appoint Assistant.

XV. No Registrar shall acquire any vested Right in or to his Office by virtue of his Appointment; and in case any Registrar shall fail or neglect or refuse to discharge the Duties of his Office, or
 40 shall be unfit or incompetent to discharge such Duties, it shall be lawful for the Parochial Board to make Application to the Sheriff for his Removal from his Office of Registrar, and the Sheriff shall thereupon hear Parties, and take such Proceedings in reference to such Application, as he shall think fit; and if the Sheriff shall be of opinion

Registrars not to acquire vested Rights in their Offices and to be subject to Removal.

that such Registrar has failed or neglected or refused to discharge the Duties of his Office, or is unfit or incompetent to discharge such Duties, the Sheriff shall remove such Registrar from his Office of Registrar, and shall direct Notice of such Removal to be forthwith sent to the Parochial Board, and to be published in the Parish of 5 which he was the Registrar, in such Manner as the Sheriff shall direct; and such Registrar shall, from and after such Publication, cease to hold his Office under this Act, and shall be incapable of being reappointed thereto, and the Parochial Board shall, in manner herein provided, elect a Registrar to supply the Vacancy caused by such Removal; and 10 the Judgment of the Sheriff in all such Cases shall be final and not subject to Review in any Court or by any Process whatsoever.

Appoint-
ments to
be exempt
from Stamp
Duty.

XVI. The Appointments of the Registrar General, and Secretary, and of the several Registrars and Assistant Registrars under this Act, and the certified Copies of Registers and Certificates herein mentioned, 15 shall be exempt from all Stamp Duties.

Fees payable
to Regis-
trar.

XVII. The Registrar shall be entitled to demand, in respect of Registration and the other Duties required to be performed by him under the Provisions of this Act, the several Fees herein authorized to be taken, and shall keep a correct Account of all Sums received 20 by him in virtue of this Act in the course of each Year, and shall within Ten Days after the Thirty-first Day of July yearly, deliver or transmit a Copy of such Account up to the said Thirty-first Day of July, authenticated by him, to the Sheriff, to be preserved in the Sheriff Clerk's Office, and to be furnished by the Sheriff, if required, to One 25 of Her Majesty's Principal Secretaries of State, or to the Registrar General.

Existing
Registers,
&c. to be
delivered
up to the
Registrars
appointed
under this
Act.

XVIII. All the existing Registers, Minutes, and Documents of every Description relating to the Registration of Births, Deaths, and Mar- riages which shall have been kept in every Parish prior to the First 30 Day of January One thousand eight hundred and fifty-five shall, as far as regards such Registers, Minutes, and Documents made and entered prior to the Year One thousand eight hundred and twenty, be transmitted, under the Direction of the Sheriff, to the Registrar General, for Preservation in the General Registry Office at Edinburgh, 35 and as far as regards such Registers, Minutes, and Documents from the Year One thousand eight hundred and twenty, inclusive, to the said First Day of January One thousand eight hundred and fifty-five, shall be delivered over to the Custody and Care of the Person who shall be appointed Registrar of the Parish under this Act; and 40 where any Parish shall be divided, such last-mentioned Registers, Minutes, and Documents shall remain in the Custody of the Registrar of that Portion of the divided Parish wherein such Registers, Minutes, and Documents shall be kept, and

and Documents are at the Time of the Division; and the Registrar to whom such Registers, Minutes, and Documents shall be so delivered shall forthwith, upon Receipt thereof, make or cause to be made exact Inventories and Indexes thereof in so far as such Inventories and
5 Indexes do not already exist, noticing in such Inventories any Blanks or Deficiencies therein or other Matter requiring to be noticed; and an authenticated Copy of each such Inventory and a General Abstract of each such Index shall be transmitted by him to the Registrar General, for Preservation in the General Registry Office; and
10 the Registers, Minutes, and Documents, from the Year One thousand eight hundred and twenty to the said First Day of January One thousand eight hundred and fifty-five, hereby appointed to remain with the Registrar of the Parish, shall, at the End of Thirty Years after the said First Day of January, be transmitted under the Direction of the
15 Sheriff to the Registrar General for Preservation as aforesaid; and all such Registers, Minutes, and Documents, and the original Inventories, Indexes, and General Abstracts, and the authenticated Copies thereof, whether in the Custody of the Registrar or Registrar General, may be searched, and certified Copies of Entries taken there-
20 from, at all reasonable Times by any Person, upon Payment of the Fees authorized to be taken for the like Searches and Copies made in, or taken from, the Registers and Indexes appointed to be kept under this Act.

XIX. Provided always, that if in the Registers kept in any Parish
25 prior to the First Day of January One thousand eight hundred and fifty-five there shall be Entries of Births, Deaths, and Marriages intermixed with Entries or Records relating to Sessional or other Matters, it shall be lawful for the Sheriff to direct either that Copies of the Entries of Births, Deaths, and Marriages shall be made and
30 delivered to the Registrar of the Parish for the Purposes and under the Provisions of this Act, so that the existing Register may remain in the Custody in which it then is, or that Copies of the Entries or Records relating to such Sessional or other Matters shall be made and delivered over to the Parties interested therein, and the existing
35 Register be delivered to the Registrar of the Parish; and in either Case such Copies shall be examined by the Sheriff and the Registrar, and authenticated by the Sheriff.

(CLAUSE A.)
Provision as
to Sessional
Registers.

XX. And whereas Registers are kept at various Burial Grounds
and Cemeteries which are private Property and maintained at pri-
40 vate Expense, and are necessary towards the Protection of the Rights of the Owners thereof, such Registers shall, upon Proof to the Satisfaction of the Sheriff to the above Effect, remain with the Proprietors thereof: Provided that correct Copies of all such Registers in use on the Thirty-first Day of December One thousand

(CLAUSE B.)
Provision as
to Burial
Registers.

eight hundred and fifty-four shall be prepared and authenticated at the Sight of the Sheriff who shall certify the same, and shall be delivered to the Registrar of the Parish wherein such Burial Ground or Cemetery is situated, and the Expense of making such Copies shall be defrayed in the like Manner as the Expense of the Indexes and 5 Inventories to be made and transmitted to the Registrar General under the Provisions of this Act; but nothing herein contained shall, after the said Thirty-first Day of December, relieve any such Proprietors from the Necessity of registering Deaths in the Parochial Registers under the Provisions of this Act. 10

The Sheriff
to superin-
tend Regis-
trars.

XXI. The Sheriff of each County shall have the Control and Superintendence of the Registrars of the several Parishes and Districts within such County.

Register
Boxes to be
provided.

XXII. The Registrar General shall furnish to the Registrar of every Parish a strong Iron Box, to hold the Registers, Copies of Registers, 15 and all other Records, Papers, or Documents connected with such Registers, in the Custody of the Registrar, and every such Box for each Registrar shall be furnished with a Lock and Two Keys, and no more, and One of such Keys shall be kept by the Registrar, and the other Key shall be kept by the Sheriff; and the Register Books 20 of each Parish, while in the Custody of the Registrar, and not in use, shall be always kept in the Register Box, which shall always be left locked; and where, from the Number of Register Books, such Boxes may not be sufficient to contain the same, such Register Books shall be deposited and kept in fireproof Places approved of by the Sheriff, 25 which shall be kept locked as such Boxes are hereby required to be.

Books to be
provided.

XXIII. Upon the Application of the Registrar General there shall be furnished to him from Time to Time, from Her Majesty's Stationery Office, all such Stationery, Books, Certificates, Notices, and Forms as shall be necessary in the Execution of this Act, and as the 30 Registrar General shall require and direct, and the Register Books shall be of durable Materials, and in them shall be printed upon each Side of every Leaf the Heads of Information herein required to be known and registered of Births, Deaths, and Marriages respectively, and every Page of each Book shall be numbered progressively by 35 printed Numbers from the Beginning to the End of the Book, beginning with Number One; and each such Page shall be ruled and filled up according to the Form given in the Three several Schedules (A.), (B.), and (C.) hereunto annexed, and each separate Entry shall be numbered at the Beginning thereof with successive Numbers, 40 beginning with Number One; and the Registrar General shall furnish to the Registrar of every Parish a sufficient Number of Register Books of Births, and of Register Books of Deaths, and of Register Books of Marriages.

XXIV. In

- XXIV. In every Case in which any Registrar, Interim Registrar, or Assistant Registrar shall die or be removed from or resign or otherwise cease to hold his Office, all Register Boxes, Keys, Books, Documents, and Papers in his Possession as Registrar, Interim Registrar, or Assistant Registrar, or which shall come into the Possession of his Representatives, shall be delivered up as soon as conveniently may be to his Successor in Office, or to such other Person as the Parochial Board or the Sheriff shall direct; and if any Person shall refuse to give up any such Box, Key, Book, Document, or Paper in such Case as aforesaid, it shall be lawful for the Sheriff of the County where such Person shall be or reside, upon summary Application made for that Purpose by the Parochial Board or any one authorized by them, or without such Application, to issue a Warrant for bringing such Person before such Sheriff; and upon such Person not appearing or not being found, it shall be lawful for the Sheriff to hear and determine the Matter in a summary Way; and if it shall appear to him that any such Box, Key, Book, Document, or Paper is in the Custody or Power of any such Person, and that he has refused or wilfully neglected to deliver the same, the Sheriff is hereby authorized and required to commit such Person to the Common Gaol of such County, or to any legal Gaol or Place of Confinement within the same, near the Place where such Person may be or reside, there to remain without Bail until he shall have delivered up the same, or until Satisfaction shall have been given in respect thereof to the Person in whose custody the same ought to be, or to the Parochial Board.

On Removal or Death of Registrars, Register Boxes, Books, &c., to be delivered up to Successors

- XXV. The Registrar and Assistant Registrar shall dwell or have a known Place of Business within the Parish or District of which he is Registrar or Assistant Registrar; and every Registrar shall cause his Name, with the Addition of Registrar for the Parish or District for which he shall be so appointed, to be placed in some conspicuous Place outside of or on or near the outer Door of his own Dwelling House and of his usual Place of Business if different or apart from his Dwelling House; and the Sheriff shall cause to be printed and affixed for Two consecutive Sundays in the Month of November One thousand eight hundred and fifty-four, and in the Month of July yearly thereafter, upon some conspicuous Place on the Doors of all the known Places of Public Worship within the County of which he is Sheriff a List of the Names and Places of Abode of every Registrar and Assistant Registrar in such County.

Registrars to dwell in Parish and put their Names on their Houses, and their Names to be affixed on Doors of Places of Public Worship.

- XXVI. Every Registrar shall, subject to the Regulations to be made as aforesaid, be and he is hereby authorized and required to inform himself carefully of every Birth and Death which

Registrar to learn and register Births and Deaths.

shall happen within his Parish or District, and to learn and register, as soon after the Event as conveniently may be done, and without Fee or Reward, save as herein-after provided, in One of the said Register Books the Particulars required to be registered, according to the Forms in the Schedules (A.) and (B.) hereunto annexed respectively, touching every such Birth or every such Death, as the Case may be, every such Entry being made in Order from the Beginning to the End of the Book as aforesaid; and in case of the Parish of the Birth being different from the Parish of the Domicil of the Parents of the Child, the Registrar of the Parish of the Birth shall, within Eight Days after the Entry of the Birth in his Register, transmit a Copy of such Entry to the Registrar of the Parish of the Domicil, if known to him, and the Registrar of the Parish of the Domicil shall forthwith transcribe such Entry in the Register of such Parish, and mark on the Margin of such Entry the Name of the Parish of Birth.

Parents, &c.
to give
Notice of
Births.

XXVII. The Parents or Parent, or, in case of the Death or Inability of the Parents, the Person in charge of every Child born, and the Occupier of every House or Tenement in which to his or her Knowledge any Birth shall take place, and the Nurse present at such Birth, and in the Case of an illegitimate Child, the Mother of such Child, or in case of the Death, Illness, or Inability of the Mother, the Person in charge of such Child, or the Occupier of the House or Tenement in which to his or her Knowledge the Child was born, or the Nurse present at the Birth of such Child shall, within Forty-two Days next after the Day of such Birth, give or cause to be given Notice of such Birth to the Registrar of the Parish or District in which the Birth occurred, under a Penalty, not exceeding Twenty Shillings, to be paid in case of Failure by the Parents or either of them, or Person in charge of the Child, and by such Occupier or Nurse.

Intimation of
finding new-
born Child or
dead Body of
new-born
Child.

XXVIII. In case any Person shall find exposed any new-born Child, or the dead Body of any new-born Child, such Person shall forthwith give Notice of the finding of such exposed new-born Child, or the dead Body of such new-born Child, to the Registrar of the Parish or District, or to the Inspector of the Poor thereof, or to the District Constable, and such Registrar or Inspector or District Constable shall give the like Notice to the Procurator Fiscal; and any such Person, or Registrar or Inspector, or District Constable failing to give the Notice hereby required shall be liable in a Penalty not exceeding Forty Shillings.

Particulars
of Births to
be communi-
cated to
Registrars.

XXIX. The Parents of every legitimate Child and the Mother of every illegitimate Child born in Scotland, or the Father, if in charge of such illegitimate Child, or, in case of the Death, Illness, Absence,

Absence, or Inability of the Parents, the Person in charge of the Child, the Occupier of the House or Tenement in which such Child shall have been born, or other Person present at such Birth, or other Person being an Inmate of such House or Tenement, and having
 5 Knowledge of the Particulars, shall, upon being required personally or by written Requisition, within Three Months after the Date of such Birth, and under a Penalty not exceeding Forty Shillings in case of Failure, give Information to the Registrar of the Parish in which such Birth occurred, according to the best of his or her Knowledge and
 10 Belief, of the several Particulars hereby required to be registered touching the Birth of such Child, and if required shall sign a Notice communicating such Information to the Registrar, or otherwise shall sign the Register in the Presence of the Registrar.

XXX. In case of any Doubt existing as to the Sex or regarding
 15 the Birth of any Child, it shall be lawful for the Registrar to require the Production of the Child, and the Parents or any Person in charge of the Child shall be bound to produce it to the Registrar, unless prevented by the Illness of the Child, or other Reason satisfactory to the Registrar, under a Penalty of Forty Shillings in case of Non-
 20 compliance.

Registrar
may require
any Child to
be produced.

XXXI. If any Child of a Scottish Parent shall be born at Sea on board of a British Vessel after the said Thirty-first Day of December One thousand eight hundred and fifty-four, the Captain or Com-
 manding Officer of such Vessel shall forthwith make a Minute of
 25 the several Particulars hereby required to be registered, touching the Birth of such Child, so far as the same may be known, and the Name of the Vessel in which the same took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other earlier Opportunity, send a certified Copy of such Minute
 30 through the Post Office to the Registrar General in Edinburgh, who shall file the same, and shall cause a true and correct Copy thereof, verified by his own Signature, to be entered in a Book to be kept for that Purpose in the General Registry Office, to be called "The Marine Register," and the Registrar General shall keep such Book
 35 with the certified Copies of Registers according to the Provisions of this Act; and the Registrar General shall, within Three Days after the Receipt of such Minute, transmit a like Copy to the Registrar of the Parish in which the Child's Parents are or were last domiciled, if known to him, and such Registrar shall forthwith enter the Particulars
 40 specified in such Copy in his Register, noticing such Transmission therein in such Manner as shall be prescribed by the Registrar General.

Register of
Children
born at Sea.

Registration
after Three
Months from
the Birth of
the Child.

XXXII. After the Expiration of Three Months following the Day of the Birth of any Child it shall not be lawful for any Registrar to register such Birth save as herein provided; and in case the Birth of any Child shall not have been registered according to the Provisions herein-before made, it shall be lawful for either of the Parents of any 5 legitimate Child, and for the Mother of any illegitimate Child, or for the Guardians of any legitimate or illegitimate Child, at any Time within Six Months next after the Birth, to make a Declaration in Writing before the Sheriff of the Particulars required to be registered touching the Birth of such Child, according to the best of his or her 10 Knowledge and Belief, and it shall thereupon, with the written Authority of the Sheriff, be lawful for the Registrar to register the Birth of such Child according to the Information of the Person making such Declaration; and in every such Case the Sheriff before whom such Declaration is made shall, as soon as may be, sign in 15 the Register the Entry of the Birth as well as the Registrar; and for every such Registration, and previous thereto, the Registrar shall be entitled, unless the Delay shall have been occasioned by his Default, to a Fee of Two Shillings from the Person requiring such Birth to be registered; and no Register of Births shall be admis- 20 sible in Evidence to prove the Birth of any Child wherein it shall appear that Three Months have intervened between the Day of the Birth and the Day of the Registration of the Birth of such Child, unless the Entry shall be signed by the Sheriff or it shall otherwise appear that the Entry was made by his written Authority; 25 and every Person who shall knowingly register or cause to be registered the Birth of any Child otherwise than herein provided after the Expiration of Three Months following the Day of the Birth of such Child shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds. 30

Births not to
be regis-
tered after
Six Months,
except by
Authority of
the Sheriff.

XXXIII. After the Expiration of Six Months following the Birth of any Child it shall not be lawful for any Registrar to register the Birth of such Child; and no Register of Births, except in the Case of Children born at Sea, shall be admissible in Evidence to prove the Birth of any Child wherein it shall appear that more than Six Months have 35 intervened between the Day of the Birth and the Day of the Registration of the Birth of such Child; and every Person who shall knowingly register or cause to be registered the Birth of any Child after the Expiration of Six Months following the Day of the Birth of such Child shall forfeit and pay for every such Offence a Sum not exceeding 40 Five Pounds; Provided always, that it shall be lawful for the Sheriff, on Cause shown to his Satisfaction, to direct any Birth to be registered in the Parish or Division within his Jurisdiction in which the Birth took place, upon Compliance, as far as possible, with the Requisites

Requisites in respect of Registration herein specified, and upon Payment of the Fees of Registration, and of such Penalty, not exceeding Five Pounds, as he shall think fit.

- XXXIV. If any Child, whose Birth shall have been registered
- 5 as aforesaid, shall, within Six Months next after such Registration, have any Name given to it in Baptism, or shall have the Name by which it may have been registered altered in Baptism, the Parent or Guardian of such Child, or other Person procuring such Name to be given, may procure and deliver to the
- 10 Registrar in whose Custody the Register of the Birth of the Child shall be a Certificate according to the Form of Schedule (D.) to this Act annexed, or to the like Effect, signed by the Minister or Clergyman who shall have administered the Sacrament of Baptism, which Certificate such Minister is hereby required to deliver as soon
- 15 as may be after the Baptism, or, whenever the same shall be demanded, within Six Months as aforesaid; and the Registrar, upon the Receipt of such Certificate, and on Payment of the Fee of One Shilling, to which he shall be entitled, shall, without any Erasure of the Entry, forthwith insert the Name by which the Child was baptized
- 20 in the Register, and shall, after Entry of the Name in the Register, certify upon the Certificate the Fact of the Name being so entered, and transmit the Certificate through the Post Office to the Registrar General, who shall cause the like Entry of the Name to be made in the certified Copy of the Register in the General Registry Office,
- 25 and shall preserve the Certificate.

Name given in Baptism after Registration may be registered within Six Months.

- XXXV. In the Case of any Child of Parents not recognizing the Sacrament of Baptism or Infant Baptism, it shall be lawful for such Parents or the Guardians of such Child, within Six Months after the Birth of any such Child shall have been registered, when any
- 30 Name shall have been given to any such Child by the Parents or Guardians of such Child, to deliver to the Registrar in whose Custody the Register of the Birth of such Child shall be, a Certificate in the Form of the Schedule (E.) to this Act annexed, or to the like Effect, signed by such Parents or Guardians, whereupon, and upon Payment
- 35 of a Fee of One Shilling, such Registrar shall, without Erasure as aforesaid, register therein the Name of such Child; and such Certificate shall be certified and transmitted by the Registrar to the Registrar General in the like Manner, and to the like Effect as is herein-before prescribed regarding Certificates in relation to Names given in Baptism.

Provision for Name given without Baptism after Registration.

- 40 XXXVI. There shall be produced to every Minister or other Person officiating in the Administration of the Sacrament of Baptism a Certificate of the Registration of the Birth of the Child, and failing such
- [126.] B 3 Production

Clergyman, on Nonproduction of Certificate of Registration.

tion of Birth, to send Notice to Registrar. Production such Minister or other Person shall forthwith intimate the Baptism of such Child, with all the Information which he may have regarding the Birth and Parentage of such Child, to the Registrar of the Parish in which the Parents of such Child reside.

Name of Father of illegitimate Child not to be entered unless at request of Father and Mother; but if Paternity or Legitimacy of Child fixed by Decree of Court, the Clerk to notify same to the Registrar. XXXVII. In the Case of an illegitimate Child it shall not be law-⁵ ful for the Registrar to enter the Name of any Person as the Father of such Child, unless at the joint Request of the Mother and of the Person acknowledging himself to be the Father of such Child, and who shall in such Case sign the Register as Informant along with the Mother: Provided always, that when the Paternity of any illegitimate¹⁰ Child has been found by Decree of any competent Court, the Clerk of Court shall, within Ten Days after the Date of such Decree send by Post to the Registrar of the Parish in which the Father is or was last domiciled, or in which the Birth shall have been regis-¹⁵ tered, Notice of the Import of such Decree in the Form of the Schedule (K.) to this Act annexed, or to the like Effect, under a Penalty of Forty Shillings in case of Failure; and on receipt of such Notice the Registrar shall add to the Entry of the Birth of such Child in the Register the Name of the Father and the Word²⁰ "Illegitimate," and shall make upon the Margin of the Register opposite to such Entry a Note of such Decree and of the Import thereof; and in like Manner in the event of any Child registered as illegitimate being subsequently found by Decree of any competent Court to be legitimate, the Clerk of Court shall notify such Decree to the Registrar, in the Form as nearly as may be of the said Schedule²⁵ (K.), who shall forthwith make upon the Margin of the Register in which the Birth is entered, and opposite to such Entry, a Note of such Decree and of the Import thereof, under a Penalty of Forty Shillings in case of Failure.

Correction of Registration of Children legitimated per subsequens matrimonium. XXXVIII. In the event of any Child, registered as illegitimate,³⁰ being legitimated per subsequens matrimonium, such Marriage may be registered by the Parents in the Manner hereby prescribed with regard to regular Marriages registered under this Act; and a Copy of the Entry of such Marriage in the Register may be produced by the Parents of such Child, or some one duly³⁵ authorized by them, to the Registrar of the Parish in which the Birth of such illegitimate Child was registered, and shall thereupon be noted on the Margin of the Register opposite to the Entry of the Birth.

Persons present at Death, or Occupier of House; or Inmate, to give Notice of Death. XXXIX. The nearest Relatives present at the Death of any Person,⁴⁰ and the Occupier of the House or Tenement in which the Death took place, and if the Occupier be the Person who shall have died, his nearest Relatives and the Inmates of the House or Tenement in which such Death shall have taken place, shall, under a Penalty not exceeding

exceeding Forty Shillings, within Three Days next after the Day of such Death, give or cause to be given Notice of such Death to the Registrar of the Parish in which such Death shall have happened.

- XL. In the event of any Person dying not in a House or
 5 Tenement the Occupier of the House or Tenement in which such Person was at the Time lodging or residing, or if the Person dying shall have been the Occupier, then the Inmates of such House or Tenement, upon respectively receiving Information of such Death, shall, within Twenty-four Hours thereafter, give or cause to be given
 10 Notice thereof to the Registrar of the Parish within which the Deceased lodged or resided, under a Penalty not exceeding Forty Shillings; and if it shall not be known where the Deceased lodged or resided, any Person present at the Death or finding the Body, and any Parish or public Officer, or any Party to whom the Body shall be brought, and who
 15 shall receive the same, shall in like Manner, and under the like Penalty in case of Failure, be bound to give the like Notice thereof to the Registrar of the Parish in which the Body shall be so found, or in which it shall be so received, and the Registrar shall immediately thereupon communicate such Notice to the Procurator Fiscal, under a
 20 like Penalty in case of Failure; and in case the Procurator Fiscal shall receive such Notice from any other Person than the Registrar, the Procurator Fiscal shall, within Three Days, communicate such Particulars as are by this Act required to be registered, so far as within his Knowledge, to the Registrar.

In case of Persons dying not in a House.

- 25 XLI. The nearest Relatives present at the Death of any Person and the Medical Attendant or other Person who shall have been in Attendance during the last Illness and until such Death, or the Occupiers of the House or Tenement in which such Death shall have taken place, or other Person having Knowledge of the Circumstances attending the same, or if such Death shall not have taken
 30 place within a House, then every Person present at such Death or having Knowledge of the Circumstances attending the same, shall within Fourteen Days, after being required by the Registrar, personally or by written Requisition, and under a Penalty not
 35 exceeding Five Pounds in case of Refusal or Failure, give Information to the Registrar according to the best of his Knowledge and Belief of the several Particulars hereby required to be registered touching the Death of such Person, and shall either give such Information, signed by the Informant, in the Presence of and
 40 attested by Two Witnesses, or shall in the Presence of the Registrar sign the Entry in the Register: Provided always, that in every Case in which a Precognition touching the Death of any Person shall be held, the Procurator Fiscal, having regard to the Particulars herein required

Near Relatives or Medical Attendant or Person present at Death, or Occupiers of House, to give Information required by the Registrar.

be registered concerning the Death, shall in such Form and Manner as shall be prescribed by the Sheriff, with the Approbation of the Lord Advocate, inform the Registrar of the Result of such Precognition, and the Registrar shall, without requiring the Procurator Fiscal to sign the same, make the Entry accordingly, stating the Procurator Fiscal as his Informant.

Register of
Persons
dying at
Sea.

XLII. If any of Her Majesty's Scottish Subjects shall die at Sea on board of a British Vessel after the said Thirty-first Day of December One thousand eight hundred and fifty-four, the Captain or Commanding Officer of the Vessel on board of which such Death shall have 10 happened shall forthwith make a Minute of the several Particulars herein-before required to be inserted in the Register touching such Death, so far as the same may be known, and the Name of the Vessel wherein the Death took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other earlier Oppor- 15 tunity send a certified Copy of such Minute through the Post Office to the Registrar General in Edinburgh, who shall file the same, and shall cause a true and correct Copy thereof, verified by his own Signature, to be entered in "The Marine Register Book," and shall within Three Days after the Receipt of such Minute transmit a like 20 Copy to the Registrar of the Parish in which the Deceased was domiciled, if known to him, so that the Registrar thereof may forthwith make the requisite Entry in the Register of Deaths; and in Cases of Shipwreck, the Captain or any Officer of the Vessel who may have escaped, or if the Officers have all perished, then any Person who may 25 have escaped, and shall be required by the Registrar General to that Effect, shall to the best of his Knowledge comply with the Provisions and Requisitions in this Section, as far as the Case will admit.

Registrar to
give Certificate
of
Registration
of Death to be
delivered by
Undertaker
at Inter-
ment, and
Procurator
Fiscal may
authorize a
Burial before
Registration.

XLIII. Every Registrar, immediately upon registering any Death, or as soon thereafter as he shall be required so to do, shall without Fee. 30 or Reward deliver to the Informant, for the Use of the Undertaker or other Person having Charge of the Funeral, a Certificate under his Hand, according to the Form of Schedule (F.) to this Act annexed, that such Death had been duly registered, and such Certificate shall, under a Penalty of Ten Pounds in case of Failure or Neglect, be delivered 35 by such Undertaker or other Person to the Person having the Charge of the Churchyard, Church, Chapel, Aisle, Vault, or other Place of Interment, or having the Control, Management, or Superintendence of the burial of the Dead in the Place of Interment in which the Body is to be buried previous to the Interment taking place; and if any dead 40 Body shall be buried for which no Certificate shall have been so delivered, the Undertaker or other Person having Charge of the Funeral, or the Person having Charge of such Churchyard or other Place of Interment,

- Interment, shall within Eight Days thereafter give Notice thereof to the Registrar of the Parish in which such Death shall have happened, according to the Form of Schedule (G.) to this Act annexed, or to the like Effect: Provided always, that the Procurator Fiscal, upon
- 5 Inquiry, may authorize the Body to be buried, if he shall think fit, before Registry of the Death, and shall in such Case give a Certificate of his Authority in Writing under his Hand, according to the Form of Schedule (H.) to this Act annexed, to such Undertaker or other Person having Charge of the Funeral, which shall be delivered as aforesaid:
- 10 Provided also, that every Undertaker or other Person having the Charge of the Funeral, and every Person having the Charge of the Churchyard or Place of Interment who shall bury any dead Body where the Death shall not have been registered, or for which no Certificate shall have been duly made and delivered as aforesaid either by the Registrar or
- 15 Procurator Fiscal, and who shall not within Eight Days give Notice thereof to the Registrar of the Parish in which the Death occurred, shall be liable to a Penalty not exceeding Ten Pounds for every such Offence.

- XLIV. If the Parties bound to give Information to the Registrar
- 20 for completing his Register shall not attend him for that Purpose, he shall make Intimation to them requiring them to attend him for such Purpose at his Place of Abode or known Place of Business where the Register is kept, at an Hour to be fixed in such Intimation, between the Hours of Eight of the Clock in the Morning and Six of the Clock
- 25 in the Evening; and in case of their failing to attend, then the Registrar shall make a Second Intimation to the like Effect, and if the Parties shall again fail to attend, the Registrar shall apply to the Sheriff, who, upon Evidence to his Satisfaction of such Failure, after Two successive Intimations, shall issue his Warrant for compelling
- 30 the Attendance of the Parties so failing, which may be executed by any Sheriff Officer.
- Registrar to attend Parties with the Register.

- XLV. Every Registrar shall make out an Account twice in every Year of the Number of Births and Deaths which he shall have registered in the Half Years terminating on the last Day of June and the last Day
- 35 of December next preceding, and the Sheriff shall examine and verify or cause the same to be examined and verified; and it shall be lawful for the Parochial Board of the Parish, on Production of such Account so verified and signed by the Sheriff, to levy by Assessment the Sums required for Payment to the Registrar of the Amount of his Account so
- 40 verified, and such further Sum as may be necessary for his Remuneration, and for the Expenses of taking the Duplicate Registers yearly to the Sheriff; and such Assessment shall be made and levied in the same Manner as the Assessment is made and levied for the Support of the
- Registrars to make out Account of Number of Births and Deaths half-yearly, and Assessment to be levied and Payment made in respect thereof.

Poor; and if there shall be no Assessment for the Support of the Poor in such Parish, then such Assessment shall be made and levied either in the same Manner as the Rate for the Support of Prisons is made and levied, or in such other Manner as the Sheriff may direct; and the Parochial Board shall pay to the Registrar such Sums as he shall be entitled to receive in terms of such verified Account according to the following Scale; (that is to say,) for the first Twenty Entries of Births and Deaths in every Year which he shall have registered, whether the same be of Births or of Deaths indiscriminately, Two Shillings and Sixpence each, and One Shilling for each subsequent Entry of Births and of Deaths in every Year; and in the event of such Fees being deemed inadequate to his Remuneration, such further Sum as the Parochial Board shall, subject to the Approbation of the Sheriff, think fit.

Registrars
may be
paid by
Salary.

XLVI. Provided that it shall be lawful for the Parochial Board, with the Approbation of the Sheriff, to place the Registrar and Assistants upon annual Salaries, the Amount of which shall be fixed by the Parochial Board, with the Approbation of the Sheriff; and such Salaries shall be paid by the Parochial Board out of the Assessment to be levied as herein-before directed, and the Fees received by the Registrars and Assistants, which, in such Case shall be paid over by them to the Parochial Board.

CLAUSE C.
Forms to be
supplied
gratis.

XLVII. The Registrar shall furnish gratis to all Persons hereby required to give Information, who shall apply therefor, printed Forms, which shall be supplied by the Registrar General to the Registrar, setting forth the Heads of the Particulars required to be specified and inserted in such Form; and the Registrar General shall cause a printed Copy of Section Forty-eight of this Act, and Copies also of the Schedule (C.) hereunto annexed, to be sent gratis by Post to the Minister of every Church and Chapel of every known Denomination of Christians, as far as known to him, and shall, upon Application therefor, furnish such Copies to any such Minister at any Time applying for the same, and in like Manner send and furnish to the Registering Officers of the several Societies of Friends, and to the Secretaries of the Jewish Synagogues, for Use in the Registration of Marriages under this Act.

CLAUSE D.
Registration
of regular
Marriages.

XLVIII. In all Cases of regular Marriages, when the Lines for the Proclamation of Banns of Marriage are given out, such Lines shall be accompanied by a Copy of the said Schedule (C.), and upon the Solemnization of the Marriage, such Schedule, having all the Information thereby required inserted therein, shall be produced to the Minister solemnizing the Marriage, or to the Person solemnizing any Marriage according to the Rites and Forms respectively observed by
Jews

Jews and Quakers, or shall be filled up in the Presence of such Minister or Person, and shall be signed by the Parties contracting the Marriage, and by the Witnesses, Male or Female, present thereat, not being less than Two, and also by the Minister or Person officiating, and be delivered to the Parties contracting the Marriage, who shall within Three Days thereafter either deliver or send by Post such Schedule to the Registrar of the Parish wherein the Marriage was solemnized; and the Husband, and failing the Husband the Wife, shall, in case of Failure so to deliver or send such Schedule, be liable in a Penalty of Ten Pounds; and upon being received by the Registrar, such Schedule shall be forthwith entered by him in the Register.

XLIX. It shall be competent to the Persons intending to contract Marriage to require the Registrar of the Parish to attend at the Solemnization thereof, at any Place within such Parish; and such Registrar is hereby required, upon a written Notice of Forty-eight Hours given to him to that Effect, to attend with the Register Book accordingly, and to make the proper Entry therein, and for such Attendance and Entry the Registrar shall be entitled to a Fee of One Pound, besides the Sum of Sixpence for each Mile which such Registrar shall be obliged to travel in going from his Place of Abode to the Place of such Marriage.

Registrar to attend Parties when required to register Marriages.

L. In the event of any Persons being convicted before any Magistrate of having irregularly contracted a Marriage, such Magistrate shall, in the Decree or Sentence to be pronounced by him against such Persons, decern for Payment to the Registrar of the Fees of Registration of such Marriage, as the Fine or Penalty or Part of the Fine or Penalty to be imposed on such Persons; and it shall be lawful for either of the Parties to such irregular Marriage, and they are severally hereby required to register such Marriage in the Register of Marriages for the Parish in which such Decree or Sentence shall be pronounced, or in which such irregular Marriage shall have taken place, and the Production to the Registrar of an Extract of such Decree or Sentence shall be sufficient Evidence and Warrant for the Registration of such Marriage in the said Register, on Payment to him of the Fees of such Registration.

Marriages of Persons fined for irregular Marriages to be registered.

LI. Every Justice of the Peace or Magistrate before whom any irregular Marriage shall in any Form be contracted, shall within Eight Days after the Contraction of such Marriage give Information thereof to the Registrar of the Parish in which such Marriage was contracted, either by personally attending the Registrar, or by Letter transmitted to him by Post, and in either Case stating all such Particulars,

Justices of the Peace to give Notice to Registrar of irregular Marriages.

ticulars, in so far as the same are known to him, as are by this Act required to be registered; and any such Justice or Magistrate failing so to do shall be liable in a Penalty not exceeding Five Pounds, which may be prosecuted for and recovered at the Instance of the Registrar.

5

CLAUSE E.
Certificate
of Entry of
Birth or
Death to be
given.

LII. When any Entry of a Birth or Death shall be made in a Register upon the Information of any Person required to give Information, under this Act, the Registrar on making such Entry shall give or transmit by Post to the Informant within Two Days after the Date of the Entry an Extract thereof, without Payment of any Fee, under 10 a Penalty of Forty Shillings.

Registers to
be kept in
Duplicate
and annually
examined by
the Sheriff,
and Dupli-
cate to be
transmitted
to the
Registrar
General.

LIII. All the Registers hereby appointed to be kept shall be kept in Duplicate, and such Duplicates shall be paged continuously alike, and each Page shall be authenticated by the Sheriff affixing his Initials thereto before Delivery thereof to the Registrars, and each Entry in each 15 of the Duplicate Register Books shall be made in Presence of Two Witnesses, who shall sign the same; and the Contents of each Page of such Duplicate Register Books shall be the same, and each Page shall be signed by the Registrar; and in the First Week of August in each Year, on such Day as shall be fixed by the Sheriff, the Duplicate 20 Register Books for the preceding Year shall be taken by the Registrar to the Sheriff, by whom, along with the Registrar, the same shall be carefully examined and compared, and a Docquet shall be added at the End of each Duplicate, stating the Examination and Accuracy thereof, the Number of Pages, and any marginal 25 Additions or Erasures appearing on either Duplicate, so as to preclude the Possibility of Interpolation, and such Docquet shall be signed by the Parties examining the Duplicates; and One of such Duplicates shall be retained by the Registrar, and the other shall be transmitted by the Sheriff to the Registrar General on or before the 30 Thirty-first Day of August in each Year; and the Sheriff when transmitting such Duplicate shall report any Circumstance relating to the Registers to which he may think the Attention of the Registrar General ought to be called.

Additions to
or Altera-
tions of the
Registers.

LIV. If in the course of any Year any such Additions or Altera- 35 tions as are directed or authorized by this Act to be made on the Registers shall be so made, the Registrar shall make a Minute in Duplicate of such Additions or Alterations, and on the Day in the Month of August when the Sheriff shall examine the Duplicate Registers, as herein-before provided, the Registrar shall deliver One of 40 such Duplicate Minutes to the Sheriff together with all the relative Documents, and the Sheriff shall, if necessary, inquire into the Accuracy

racy of the Facts therein set forth, and if erroneous, correct the Minute; and thereupon the Sheriff and Registrar shall examine and authenticate the Duplicate Minutes, and One thereof shall be retained by the Registrar, and the other shall be transmitted by the Sheriff
 5 through the Post Office to the Registrar General, with the Duplicate of the Registers, and such Minute shall be deemed and taken to be a Part of the Registers, and the Alterations and Additions so authenticated shall forthwith be given effect to on or opposite to the Entries in the Duplicate Registers for the Periods to which such
 10 Alterations and Additions apply.

LV. Any Registrar who, after being required to make and deliver any Certificate of having registered any Birth, Death, or Marriage hereby directed to be made and delivered, shall refuse or neglect for One Month so to do, shall for every such Offence be liable to a
 15 Penalty not exceeding Ten Pounds.

Penalty on Registrars failing to give Certificates when required.

LVI. If any Duplicate Register in the Custody of the Registrar shall be lost, destroyed, or mutilated, or shall have become illegible, in whole or in part, such Fact shall be forthwith communicated by the Registrar to the Registrar General, who shall require the Registrar
 20 immediately to transmit to him the Duplicate Register which shall have been mutilated or become illegible; and the Registrar General shall thereupon present a Petition to one of the Divisions of the Court of Session, setting forth the Fact of the Loss, Destruction, Mutilation, or total or partial Illegibility, as the Case may be, of such Duplicate
 25 Register, and the Date of the Discovery of such Loss, Destruction, Mutilation, or total or partial Illegibility of such Duplicate, and the Court, on being satisfied regarding the same, and after such Intimation as they may think proper, shall order such Register to be corrected or completed, or a new Duplicate to be made, at the Sight
 30 of the Registrar General, and such corrected or completed Duplicate, or new Duplicate, authenticated by the Signature of the Registrar General, and sealed with the Seal of the General Registry Office, shall thereupon become in all respects of the same Force and Validity as the original Duplicate.

Duplicate Register to supply the Place of any Register destroyed or become illegible.

LVII. The Registrar General shall cause tabular alphabetical Indexes of the Duplicate Registers in his Custody to be made and kept in the General Registry Office, and every Person shall be entitled, on Payment of the Fees herein-after mentioned, to search such Indexes between the Hours of Ten in the Morning and Four in the After-
 40 noon of every Day except Sunday, and to have a certified Copy of any Entry in the said Duplicate Registers; and for every general Search of such Indexes the Sum of Twenty Shillings, and for

Indexes to be kept at General Registry Office, where they may be searched.

every particular Search the Sum of One Shilling, and for every certified Copy of any Entry the Sum of Two Shillings, and no more, shall be paid to the Registrar General, or such other Officer as shall be appointed to receive such Fees on his Account: Provided that it shall be competent to the Registrar General to permit gratis Searches 5 to be made by or on behalf of Persons of whose inability to pay he shall be satisfied.

Indexes
of Parish
Registers to
be made,
which may
be searched.

LVIII. Every Registrar shall forthwith cause tabular alphabetical Indexes of the Duplicate Registers in his Custody to be made and kept in the Registrar's Office, and every Person shall be entitled at all 10 reasonable Hours to search the said Indexes, subject to such Regulations as the Sheriff may prescribe, and to have a certified Copy of any Entry or Entries in such Registers under the Hands of the Registrar, on Payment of the Fees herein-after mentioned, (that is to say,) for every general Search the Sum of Two Shillings and Sixpence, and for every 15 Search for a particular Register of Birth, Death, or Marriage, the Sum of One Shilling, and for every certified Copy the Sum of Two Shillings and Sixpence for each Entry contained therein; and each Registrar shall keep an accurate Account of the Monies received by him during each Year, and shall render the same to the Registrar General at such 20 Times as he shall direct.

CLAUSE F.
Extracts of
Entries to be
admissible as
Evidence.

LIX. Every Extract of any Entry in the Register Books to be kept under the Provisions of this Act, duly authenticated and signed by the Registrar General if such Extract shall be from the Registers kept at the General Register House at Edinburgh, and by the Registrar 25 if from any Parochial Register, shall be admissible as Evidence in all Parts of Her Majesty's Dominions, without any other or further Proof of such Entry.

Money
received by
Registrar
General to
be accounted
for.

LX. Every Sum received by the Registrar General under the Provisions of this Act shall be accounted for, and paid by the Registrar 30 General at such Times as the Lords Commissioners of Her Majesty's Treasury from Time to Time shall direct into the Bank of England to the Credit of Her Majesty's Exchequer, according to the Provisions of an Act passed in the Fourth and Fifth Years of His late Majesty, intituled "An Act to regulate the Office of the Receipt of His 35 "Majesty's Exchequer at Westminster," or be applied by Order of the said Commissioners towards the Payment of the Expenses of the said General Registry Office in Edinburgh.

4 & 5 W. 4.
c. 15.

Penalty on
giving false
Information.

LXI. Every Person who shall knowingly and wilfully make or cause to be made, for the Purpose of being inserted in any Register 40 of Birth, Death, or Marriage, any false or fictitious Entry, or any false

false Statement regarding the Name of any Person mentioned in the Register, or touching all or any of the Particulars by this Act required to be registered, shall be deemed guilty of an Offence, and on Conviction shall be punishable by Transportation for a Period not exceeding Seven Years, or by Imprisonment for a Period not exceeding Two Years.

LXII. Every Registrar who shall refuse, or, without reasonable Cause, omit to register any Marriage which he is by this Act required to register, or any Birth or Death of which he shall have had due Notice as aforesaid, shall forfeit a Sum not exceeding Fifty Pounds for every such Offence.

Penalty on Registrar for omitting to register.

LXIII. Every Person who shall wilfully destroy, obliterate, erase, or injure any Entry, or cause to be destroyed, obliterated, erased, or injured any such Register, or Duplicate thereof, or any Minute, Notice, or Certificate made or given pursuant to this Act, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register or Duplicate, or any such Minute, Notice, or Certificate, or shall wilfully insert or make or cause to be inserted or made in any such Register or Duplicate, any false or fictitious Entry of, or any false Statement touching any Birth, Death, or Marriage, or shall wilfully give any false Certificate, or falsify any Certificate, or shall certify any Writing to be a Copy or Extract of any such Register, knowing the same to be false or fictitious in any Part thereof, shall be deemed guilty of an Offence, and on Conviction thereof be liable to be punished by Transportation for a Period not exceeding Seven Years, or by Imprisonment for a Period not exceeding Two Years.

Penalty for destroying or falsifying Register, &c.

LXIV. If any Error shall be discovered to have been committed in the Entry of any Birth, Death, or Marriage in any such Register, the Person discovering the same shall forthwith give Information thereof to the Sheriff, and it shall be lawful for the Sheriff, and he is hereby authorized and required, thereupon, or upon otherwise coming to the Knowledge of such erroneous Entry, to summon before him the Person who made, and any Person concerned in the making such erroneous Entry, or having Knowledge regarding the same, and also any Person interested in the Effect of such erroneous Entry, and to examine all such Persons upon Oath; and if the Sheriff shall be satisfied that any Error has been committed in any such Entry, he shall, by Authority in Writing under his own Hand, direct a corrected Entry of the Birth, Death, or Marriage, in relation to which such Error has been committed, and bearing the Date of the Correction to be made in a separate

For correcting erroneous Entries.

Register Book, to be called "The Register of corrected Entries," and in such corrected Entry reference shall be made to the Depositions upon which the Correction of the Error has proceeded, and the Sheriff shall also make or cause to be made an Entry or Marking upon the Margin of the original Entry of such Birth, Death, or Marriage in the Duplicate 5 Registers, but shall not alter the original Entry, distinctly referring by Volume and Page and Date to the Entry made in "The Register of corrected Entries;" and if the Duplicate Register has not yet been transmitted to the Registrar General, the Sheriff shall authorize and cause to be made such Reference in the Margin of such Duplicate; and the 10 Sheriff shall, every Year, transmit such "Register of corrected Entries" to the Registrar General, at the same Time and in the same Manner as is provided for the Transmission of Duplicates of Registers.

Errors in
Entry may
be corrected
before
signing.

LXV. Provided always, That Errors committed in the Form or Substance of any Entry may be corrected according to the Truth of 15 the Case before the Entry is signed; and if any Correction is intended to be made by Erasure or Obliteration, the same shall be effected by drawing a Line through the erroneous Words or Figures, but so as to leave the same legible; and any Alteration relative to such Correction shall be made as near as may be to the Correction, and the Registrar 20 shall affix his Signature thereto.

Recovery
and Appli-
cation of
Penalties.

LXVI. All Penalties imposed by this Act may, unless otherwise directed, be recovered by summary Proceedings upon Complaint in Writing made by the Procurator Fiscal to the Sheriff of the County within which such Penalty shall be incurred, or to the Sheriff of any 25 County in which the Person complained against may be found; and on such Complaint being made, such Sheriff shall issue a Warrant for bringing such Person immediately before him, or shall issue an Order requiring such Person to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Person com- 30 plained against, either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order and of the Complaint whereon the same has proceeded; and either upon the Appearance or on the Default to appear of such Person, it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of 35 the Offence either by the Confession of the Person complained against, or upon the Oath of One or more credible Witness or Witnesses, and without any written Pleadings or Record of Evidence to convict the Offender, and upon such Conviction to decree, adjudge, and sentence him to pay the Penalty incurred, and the Expenses attending the Con- 40 viction, and to grant Warrant for imprisoning him until such Penalty and Expenses shall be paid; Provided always, that such Warrant shall specify

specify the Amount of such Penalty and Expenses, and shall also specify a Period, at the Expiration of which the Offender shall be discharged notwithstanding such Penalty and Expenses shall not have been paid, and which Period shall in no Case exceed Two Months, 5 and such Penalty shall go to the Registrar General; and the Decision of the Sheriff in all such Cases shall be final and conclusive; and shall not be subject to Review in any Court or by any Process whatsoever.

LXVII. Where any Parish shall be situated wholly or in part in 10 a Burgh, the Town Council of such Burgh shall have and possess all the Powers hereby conferred on Parochial Boards, and shall be liable to the Discharge of all the Duties hereby imposed on such Boards in respect of such Parish; and such Powers and Duties shall be exercised and discharged by such Town Council as nearly as may 15 be in Terms of the Provisions herein contained relative to such Parochial Boards.

Town Councils of Burghs to have Powers of Parochial Boards.

LXVIII. No Penalty imposed by this Act on Parties failing to give any Notice required by this Act shall be exigible, if any of the Parties so required shall have given such Notice.

Penalties not exigible if Notice given.

20 LXIX. The Expense attending the Postage or Carriage of all Letters and Packets relating exclusively to the Execution of this Act, sent by the General Post from Place to Place in Great Britain and Ireland, to or from the Registrar General, and also the Expense of registering any Letter containing any Register transmitted through 25 the Post Office, shall be defrayed as a Part of the Expense of the General Registry Office herein-before provided for: Provided always, that such Letters and Packets as shall be sent to the Registrar General be directed to the Registrar General in Edinburgh, and all such Letters and Packets as shall be sent by the Registrar General 30 shall be in Covers, with the Words "Registrar General, Edinburgh," printed on the same, and be sealed with the Seal of the General Registry Office, and be signed on the Outside thereof under such Words with the Name of such Person as the Registrar General, with the Consent of the said Commissioners of Her Majesty's Treasury, 35 shall appoint, in his own Handwriting, such Name to be from Time to Time sent to the Secretaries of the General Post Office in London, Edinburgh, and Dublin, and under such other Regulations as the said Commissioners shall think fit; and if the Person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such 40 only concerning which he shall receive the special Direction of his superior Officer, or which he shall himself know to relate exclusively to the Execution of this Act, or if the Person so to be appointed, or

Correspondence of Registrar General relating to this Act how to be defrayed.

any other Person, shall knowingly send or cause to be sent, under any such Cover, any Letter, Paper, or Writing, or any Enclosure other than shall relate exclusively to the Execution of this Act, every Person so offending shall forfeit and pay the Sum of One hundred Pounds, and be dismissed from his Office, One Moiety of such 5 Penalty to be paid to the Use of Her Majesty, Her Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same, to be sued for or recovered in any competent Court.

Proclamation of Banns and Law of Marriage not affected.

LXX. Nothing herein contained shall affect the Proclamation of 10 Banns, or the Registration thereof as at present in use, or the Law of Marriage in Scotland.

Registrar General to furnish Notices of Acts required to be done to Sheriff Clerks for Publication on Doors of Places of Worship, &c.

LXXI. The Registrar General shall, within Three Months after his Appointment to such Office, and from Time to Time as he shall think fit, furnish to the respective Sheriffs of the several 15 Counties in Scotland such printed Notices respecting the Acts required to be done under this Act by the Persons who are herein required to give Notice or Information with regard to any Birth, Death, or Marriage as he shall think it requisite to be publicly known, which Notices the Sheriffs shall, as soon as conveniently may 20 be after the Receipt thereof, cause to be affixed on the Outside of the Doors of the several Places, Churches, and Places of Worship, or other public and conspicuous Buildings or Places within their respective Counties.

Notices may be given by Post.

LXXII. Wherever Notice is required to be given by this Act, the 25 Person bound to give the Notice shall be held to have sufficiently discharged himself if he shall have put into the Post Office, before the Expiration of the Period within which the Notice is required to be given, a Letter addressed to the Person to whom, and containing the Particulars of which, the Notice is required to be given. 30

Parties may sign by a Mark before Witnesses.

LXXIII. In case of the Inability to write of any Person whose Signature is required or necessary under this Act, it shall be lawful for such Person to adhibit a Cross or other Mark, and being adhibited in Presence of the Registrar, or Sheriff, or Two Witnesses, who shall adhibit their Designations to their Names, such Mark shall be in all 35 respects as binding and effectual as the Signature of such Person if capable of writing would have been.

No Penalty where Failure not wilful.

LXXIV. No Penalty shall be exacted in any Case where it shall appear to the Satisfaction of the Sheriff that the Party failing to comply with the Provisions of this Act, in relation to the giving Notices 40 under

under the same, has not wilfully been guilty of such Failure, but that such Failure has been occasioned by unavoidable Accident, or by Circumstances over which he had no Control, and where he has used every reasonable Endeavour towards Compliance with such Provisions.

- 5 LXXV. It shall be lawful for the Registrar General, with the Consent of Her Majesty in Council, to diminish, from Time to Time, the Fees hereby authorized to be taken, and the Schedules to this Act annexed, regard being always had to the Objects and Purposes of this Act, and to rendering the same more effectual; and such
- 10 Alteration of Fees or Schedules shall be published in the Edinburgh Gazette, and shall within Fourteen Days after the same shall have been issued be laid before both Houses of Parliament, or if Parliament shall not be then sitting, within Fourteen Days after the Meeting of the then next Session.

Registrar
General may
alter
Schedules.

- 15 LXXVI. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpreta-
tion of Act.

- 20 The Expression "Registrar General" shall mean the Registrar General of Births, Deaths, and Marriages in Scotland, for the Time being, appointed and acting under this Act:

The Word "Parish" shall include any Division of a Parish or Union of Parishes into a District or Districts made in pursuance of this Act:

- 25 And with regard to any Birth, Death, or Marriage herein mentioned, the Words "Registrar" and "Assistant Registrar" shall mean the Registrar and Assistant Registrar of the Parish or District in which such Birth, Death, or Marriage took place or such Marriage was solemnized, celebrated, or contracted; and the
- 30 Word "Register" shall mean the Duplicate Registers of Births, Deaths, and Marriages to be kept and made pursuant to this Act:

The Word "Sheriff" shall mean the Sheriff of the County of which he is Sheriff, and shall include Sheriff Substitutes:

- 35 The Words "Procurator Fiscal" shall mean the Procurator Fiscal of the County or Division of a County of which he is Procurator Fiscal:

The Word "Minister" shall be taken to include Ministers or Pastors of Christian Congregations of all Denominations:

- 40 The Word "Burgh" shall apply to a City, Burgh, or Town being a Royal Burgh, or which sends or contributes as a Burgh to send a Member to Parliament:

The Word "Heritors" shall mean Heritors entitled to elect a Schoolmaster under an Act passed in the Forty-third Year of the Reign of His Majesty King George the Third, Chapter Fifty-four:

The Word "Occupier" shall include the Guardian, Master, Governor, Keeper, Steward, House Surgeon, or Superintendent of every Gaol, Prison, or House of Correction, Workhouse, Hospital, Lunatic Asylum, or public Charitable Institution.

Act to
extend only
to Scotland.

LXXVII. This Act shall extend only to Scotland.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

1855. Births in the *Parish of* _____ in the County of *Edinburgh*. Registered by *John Smith*, Registrar.

No.	Child.			Parents.		Informants.	
	Name (if given), and whether Informant present or not.	Sex.	When born. Year, Day, Hour.	Where born. If in Lodgings, so stated.	Father.		Signatures of Father or Mother or other Informant, and Residence, if out of the House in which the Birth occurred.
					Name; Rank, Profession, or Occupation; Age; Birthplace.	Name; Maiden Name; Age; Birthplace.	
98	ANDERSON, JOHN. (Present.)	Male.	1855. February Eleventh. 5h. 30m. a.m.	1, North Street, Edinburgh.	James Walker, Wine Merchant. 30 Years. Glasgow.	Jane Walker, Maiden Name Hill, (her 4th Child). 29 Years. Stirling.	James Walker, Father. Jane Walker, Mother. John Smith, Registrar. James Johnston, Witness. George Henderson, Witness.

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

SCHEDULE (B.)

1855. Deaths in the Division of the Parish of in the County of *Edinburgh*. Registered by *John Thomson*, Registrar.

No.	Description.			(1) Cause of Death, and how long Disease continued.	(1) Burial Place.	(1) Where born and (2) How long in this District.	(1) Parents' Names, and (2) Rank, Profession, or Occupation.	If Deceased was married.		When and where registered and Signatures of
	(1) Name.	Sex.	Age.					To whom.	Issue, in Order of Birth, their Names and Ages.	
301	CANTY, WILLIAM, Labourer.	M.	62	1855, February Twenty- eighth. 6h. 30m. a.m. At 16, Cottage Lane, Edin- burgh.	Pneumonia— 2 Months. As certified by H. Bloomfield, M.D., who saw Deceased Feb. 27th.	Burial Ground, Edinburgh. As certified by George Watkins, Undertaker.	County of Cork, Ireland. 36 Years in Edin- burgh.	Timothy Canty, Shoemaker, deceased. Mary Canty, Maiden Name Nicolas, deceased.	Honora M. Canty. 3. Mary, 29. 4. John, dec. at 27, in 1854. 5. Catherine, dec. at 4, in 1828. 6. Stephen, 21.	1855, March 3d. At Leith. Honora Canty, her Mark. Widow, Informant. James Johnston, Surgeon. Edinburgh, Witness. George Henderson, Clerk in the Registrar Office, Edin- burgh, Witness. John Thomson, Registrar.

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

SCHEDULE (C.)

1853. Marriages in the Parish of in the County of Edinburgh. Registered by John Smith, Registrar.

No.	When, where, and how married.	Signatures of the Parties, or Mark.	Residence.		Rank or Profession, and Relationship of Parties (if related).	Condition.			Birthplace, and where registered.	Parents.		If a regular Marriage, Officiating Minister and Witnesses.	Irregular, Name of Persons before whom declared.	When and where registered, and Signature of Registrar, and Witnesses.
			Present.	Usual.		If a Widower or Widow, whether Second or Third Marriage.	Children by each former Marriage.	Names and Dates of Birth of Children (if any) legitimized by this Marriage.		Names.	Rank, Profession, or Occupation.			
41	On March Third, 1853. At Edinburgh. Marriage (after Banns) was solemnized between us according to the Rites and Ceremonies of the Established Church of Scotland.	William Hastings.	6, High Street, Edinburgh.	Chelmsford, Essex.	Carpenter	Widower, Second Marriage.	2 Living, 1 Dead.		Born and registered on 1 May 1822, at Bristol.	Peter Hastings deceased, and Ann Hastings, mistress.	Upholsterer.	Rev. James Brown, High Church, Edinburgh.	Declared before Andrew Raitt, Justice of the Peace.	1855. March 4th. At Edinburgh.
		Sophia Ann Mitchell.	4, Hamilton Place, Edinburgh.	4, Hamilton Place, Edinburgh.	Dressmaker	Spinster.			Born and registered at Perth.	John Payne, and John Mitchell.	Butcher.	John Hastings, and Jane Mitchell, Witnesses.	Edinburgh, in Presence of James Johnston, Witness.	James Johnston, Witness.
										Sarah Mitchell, Maiden Name Evans, deceased.			Alfred Scott, as Witnesses.	George Henderson, Witness.

[The Words and Figures in Italics in this Schedule to be filled in as the Case may be.]

SCHEDULE (D.)

I Minister of do hereby certify,
that I have this Day baptized by the Name of a (*state*
the Sex) Child produced to me by as the Child of
A. B. and *C. D.* of and declared by the said
 to have been born at in the County
of on the Day of One thousand eight
hundred and . Witness my Hand, this Day
of One thousand eight hundred and .
 Minister.

SCHEDULE (E.)

I do hereby certify that the Child named _____
 _____ was born at _____ in the County of _____
 on the _____ Day of _____ One thousand eight hundred and _____
 ; that *A. B.* and *C. D.*, of _____ are the Parents
 of the said Child ; and that the Name _____ was given
 to the said Child on the _____ Day of _____ One thousand
 eight hundred and _____ according to the Rules or Usage of the
 Sect or Persuasion of _____ to which the said Parents belong.
 Witness my Hand, this _____ Day of _____ One
 thousand eight hundred and _____
[Signed by Parent or Guardian of Child.]

SCHEDULE (F.)

I Registrar of Births, Deaths, and Marriages, in
the Parish of do hereby certify, that the Death of A. B. of
 was duly registered by me, on the Day of
 One thousand eight hundred and . Witness
my Hand, this Day of One thousand eight
hundred and .

Registrar.

SCHEDULE (G.)

To the Registrar of the Parish of _____ in the County of _____
 . Take notice, that upon the _____ Day of _____
 18 _____ the Body of *A. B.* of _____ was buried
 in the (*here insert the Name of the Churchyard or other Place of*
Interment).
(Signed by the Undertaker or other Person having Charge of the
Funeral, or the Person having Charge of the Place of Interment.)

SCHE-

SCHEDULE (H.)

I ~~(Insert)~~ Procurator Fiscal of the County of
do hereby authorize the Burial of the Body now shown to me as the
Body of *A. B.* of . Witness my Hand this
Day of . One thousand eight hundred and .
_____. Procurator Fiscal.

SCHEDULE (I.)

To the Registrar of the Parish of _____ in the
County of _____ . Take notice, that upon the
Day of _____ One thousand eight hundred and
a Marriage was solemnized (*or celebrated*) between *A. B.* of
and *C. D.* of _____ in my Presence, and in the
Presence of *E. F.* and *G. H.* [*naming and describing the Witnesses.*]
[*Signed by the Clergyman, Secretary, or Registering Officer*
officiating or present at the Marriage, adding his Descrip-
tion to his Name, and by the Parties and Two Witnesses.]

SCHEDULE (K.)

To the Registrar of the Parish of _____ in the
County of _____ . Take notice, that the Court of Ses-
sion [*or other competent Court*], upon the _____ Day of
18 _____, pronounced Decree in an Action before
the said Court, at the Instance of [*Pursuer's Name and Description*],
against [*Defender's Name and Description*], relating to the Paternity
of [*describe the Child*], finding that the said Child was the illegitimate
Child of the said [*Pursuer and Defender's Names*].

[*Signed by the Clerk of Court.*]

Registration of Births, &c.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

To provide for the better Registration
of Births, Deaths, and Marriages in
Scotland.

*(Prepared and brought in by
Lord Elcho, Viscount Palmerston, and
The Lord Advocate.)*

*Ordered, by The House of Commons, to be Printed,
2 June 1854.*

[Bill 126.]

Under 5 oz.

Registration of Births, &c. (Scotland) Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Present System of Registration to cease on 31st December 1854, and this Act to come into operation; Sect. 1.

Her Majesty may provide an Office, and appoint a Registrar General; 2.

The Registrar General may appoint a Secretary; 3.

Appointment of Clerks and other Officers; 4.

Expenses of Registry Office and Books, &c., how to be provided; 5.

Regulations for Management of Office and Duties of Officers to be framed; 6.

Abstract of Registers to be laid annually before Parliament; 7.

Registrar for each Parish to be elected by the Parochial Board; 8.

Meetings of Parochial Board to be called by the Inspector of the Poor; 9.

Parishes may be divided or united; 10.

Sheriff may annex small Portion of a Parish to the Parish adjoining; 11.

Election of Registrar by Parochial Board; 12.

Where there is no Parochial Board Heritors may appoint the Registrar; 13.

Registrar may appoint Assistant; 14.

Registrars not to acquire vested Rights in their Offices, and to be subject to Removal; 15.

Appointments to be exempt from Stamp Duty; 16.

Fees payable to Registrar; 17.

Existing Registers, &c. previous to 1820 to be transmitted to the Registrar General, and subsequent Registers, &c. to be delivered up to the Registrars; 18.

Provision as to Sessional Registers; 19.

Provision as to Burial Registers; 20.

The Sheriff to superintend Registrars; 21.

Register Boxes to be provided; 22.

ii *Registration of Births, &c. (Scotland.)*

- Books and Forms to be provided; 23.
- On Removal or Death of Registrars, Register Boxes, Books, &c., to be delivered up to Successors; 24.
- Registrars to dwell in Parish and put their Names on their Houses, and their Names to be affixed on Doors of Places of Public Worship; 25.
- Registrar to learn and register Births and Deaths; 26.
- Parents, &c. to give Notice of Births, failing which to give Information when required by the Registrar; 27.
- Registrar may require any Child to be produced; 28.
- Intimation of finding new-born Child or dead Body of new-born Child; 29.
- Register of Children born at Sea; 30.
- Registration after Three Months from the Birth of the Child; 31.
- Name given in Baptism after Registration may be registered within Six Months; 32.
- Provision for Name given without Baptism after Registration; 33.
- Clergyman, on Non-production of Certificate of Registration of Birth, to send Notice to Registrar; 34.
- Name of Father of illegitimate Child not to be entered unless at Request of Father and Mother; but if Paternity or Legitimacy of Child fixed by Decree of Court, the Clerk to notify same to the Registrar; 35.
- Correction of Registration of Children legitimated per subsequens matrimonium; 36.
- Certificate of Entry of Birth to be given; 37.
- Persons present at Death, or Occupier of House, or Inmate, to give Notice of Death, failing which to give Information when required by the Registrar; 38.
- In case of Persons dying not in a House; 39.
- Procurators Fiscal to give Result of Precognition; 40.
- Medical Attendant to transmit Certificate of Death to the Registrar; 41.
- Undertaker to transmit Certificate of Interment to the Registrar; 42.
- Register of Persons dying at Sea; 43.
- Registrar to give Certificate of Registration of Death to be delivered at Interment; 44.
- Registrar may require Parties to attend him to give Information; 45.
- Registration of regular Marriages; 46.
- Registrar to attend Parties when required to register Marriages; 47.
- Marriages of Persons fined for irregular Marriages, and Marriages constituted by Decree of Declarator, to be registered; 48.

Convictions

Convictions in irregular Marriages and Decrees of Declarator of Marriages to be intimated to Registrar; 49.

Registrars to make out Account of Number of Births, Deaths, and Marriages half-yearly, and Assessment to be levied and Payment made in respect thereof; 50.

Registrars may be paid by Salary; 51.

Forms to be supplied gratis; 52.

Registers to be kept in Duplicate and annually examined by the Sheriff, and Duplicate to be transmitted to the Registrar General; 53.

Additions to or Alterations of the Registers; 54.

Duplicate Register to supply the Place of any Register destroyed or become illegible; 55.

Indexes to be kept at General Registry Office, where they may be searched; 56.

Indexes of Parish Registers to be made, which may be searched; 57.

Extracts of Entries to be admissible as Evidence; 58.

Money received by Registrar General to be accounted for. 4 & 5 W. 4. c. 15; 59.

Penalty on giving false Information; 60.

Penalty on Registrar for omitting to register; 61.

Penalty for destroying or falsifying Register, &c.; 62.

For correcting erroneous Entries; 63.

Errors in Entry may be corrected before signing; 64.

Recovery and Application of Penalties; 65.

Town Councils of Burghs to have Powers of Parochial Boards; 66.

Correspondence of Registrar General relating to this Act how to be defrayed; 67.

Proclamation of Banns and Law of Marriage not affected; 68.

Registrar General to furnish Notices of Acts required to be done to Sheriff Clerks for Publication on Doors of Places of Worship, &c.; 69.

Notices may be given by Post; 70.

Penalties not exigible if Notice given; 71.

Parties may sign by a Mark before Witnesses; 72.

No Penalty where Failure not wilful; 73.

Registrar General may alter Schedules; 74.

Interpretation of Act; 75.

Act to extend only to Scotland; 76.

SCHEDULES.

29 June 1854. 17 VICT.



(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Provide for the better Registration of Births,
Deaths, and Marriages in Scotland.

[Note.—*The Clauses marked A. to F. were added in Committee, and those marked G., H., and I., together with the Schedules marked (B.), (G.), and (K.), were added on Re-commitment.*]

WHEREAS it is expedient that a complete and uniform Preamble.
System of Registration of Births, Deaths, and Marriages
should be established and maintained in Scotland: Be it
enacted by the Queen's most Excellent Majesty, by and with the
5 Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority of
the same, as follows:

I. From and after the Thirty-first Day of December One thousand
eight hundred and fifty-four the present System of Registration of
10 Births, Deaths, and Marriages in Scotland shall cease and determine,
in so far as regards Births, Deaths, and Marriages taking place after
the said Thirty-first Day of December, and this Act shall come into
operation: Provided always, that it shall be competent for any Person
to register, on or before the Thirty-first Day of December One
15 thousand eight hundred and fifty-five, in the Registers kept and in
use before the passing of this Act, any Birth, Death, or Marriage
which shall have taken place on or before the Thirty-first Day of
[Bill 163.] A December

Present
System of
Registration
to cease on
31st Decem-
ber 1854,
and this Act
to come into
operation.

December One thousand eight hundred and fifty-four, in the same Manner as if this Act had not been passed; provided also, that all existing Registers of Births, Deaths, and Marriages, including all such Entries as may be made as aforesaid, and all Extracts and Certificates from such Registers, shall be and remain of the same legal Force and 5 Effect in all respects as if this Act had not been passed.

Her Majesty
may provide
an Office, and
appoint a
Registrar
General.

II. On and after the passing of this Act it shall be lawful for Her Majesty to provide a proper Office in the General Register House at Edinburgh, to be called "The General Registry Office of Births, "Deaths, and Marriages," in which shall be kept and preserved a Register 10 of all Births, Deaths, and Marriages in Scotland, and to appoint, under the Seal appointed to be used in Scotland in place of the Great Seal thereof, the Person for the Time being holding the Office of the Deputy of the Lord Clerk Register of Scotland to be Registrar General of Births, Deaths, and Marriages in Scotland; and such Registrar 15 General shall be paid, in addition to whatever Salary he may enjoy as Deputy Clerk Register, a Salary not exceeding Three hundred Pounds per Annum.

The Registrar General
may appoint
a Secretary.

III. It shall be lawful for the Registrar General, with the Approbation of the Commissioners of Her Majesty's Treasury of the United 20 Kingdom of Great Britain and Ireland for the Time being, to appoint a Secretary, who may act in his Absence with all the Powers and in the Discharge of all the Duties hereby given to or imposed upon the Registrar General; and such Secretary shall be paid a Salary not exceeding Three hundred Pounds per Annum. 25

Appoint-
ment of
Clerks and
other
Officers.

IV. It shall be lawful for the Registrar General, with the Approbation of the said Commissioners of Her Majesty's Treasury, to appoint such Clerks, Officers, and Servants as shall be deemed necessary to carry on the Business of the General Registry Office, and at pleasure, with the like Approbation, to remove them or any of them, 30 and, with the like Approbation, to fix the Salaries of such Clerks, Officers, and Servants, according to the Duties and Services which they may have respectively to perform.

Expenses of
Registry
Office and
Books, &c.,
how to be
provided.

V. The Salary of the Registrar General and Secretary, and all the Expenses of the General Registry Office, including the Expenses of 35 Clerks, Officers, and Servants, and of Books and Stationery, and of making and copying Indexes and Inventories, and in relation to Sessional Registers or private Burial Registers, and all Expenses incurred from Time to Time in the Publication and Transmission of Notices in pursuance of this Act, or otherwise, under the 40 Directions and by the Authority of the Registrar General, or of the

the Sheriff, and all other Expenses connected with the Business of the said Office not herein otherwise provided for, shall be paid by the said Commissioners of Her Majesty's Treasury out of any Monies to be hereafter voted by Parliament for that Purpose.

- 5 VI. One of Her Majesty's Principal Secretaries of State, or the Registrar General with the Approbation of such Principal Secretary, shall and may from Time to Time make Regulations for the Management of the General Registry Office, and for the Discharge of the Duties of the Registrar General, Clerks, Officers, and Servants of the
- 10 said Office, and of the Registrars and Assistant Registrars herein mentioned, so that such Regulations be not contrary to the Provisions of this Act; and the Regulations so made and approved shall be binding on the Registrar General and Secretary, and the Clerks, Officers, and Servants, and on the Registrars and Assistant Registrars; and a Copy of all
- 15 such Regulations shall be laid before both Houses of Parliament within Six Weeks after the same are approved of, or if Parliament shall not be then sitting, within One Month after the Commencement of the next Session.

Regulations for Management of Office and Duties of Officers to be framed.

- VII. The Registrar General shall transmit once in every Year
- 20 to Her Majesty's Secretary of State for the Home Department a General Abstract of the Numbers of Births, Deaths, and Marriages registered during the foregoing Year, in such Form and at such Date as such Secretary shall from Time to Time prescribe; and every such annual General Abstract shall be laid before Parliament within One
- 25 Month after Receipt thereof, or if Parliament shall not be then sitting, within One Month after the Commencement of the next Session.

Abstract of Registers to be laid annually before Parliament.

- VIII. A Registrar of Births, Deaths, and Marriages shall be elected in manner herein-after provided by the Parochial Board of each Parish, (including the several Parishes erected or to be erected under the Pro-
- 30 visions of an Act passed in the Seventh and Eighth Year of the Reign of Her present Majesty, Chapter Forty-four,) not being a Burgh or Part of a Burgh, appointed and acting under an Act passed in the Eighth and Ninth Year of the Reign of Her present Majesty, Chapter Eighty-three, and such Parochial Board shall be the Judges of the
- 35 Qualification of Persons to be elected to the Office of Registrar: Provided always, that any Session Clerk who is in Office at the Date of the passing of this Act shall be the Registrar under this Act for the Parish of which he is Session Clerk, unless it shall be proved to the Sheriff that he is unfit for the Office of Registrar, or that the
- 40 Duties he has to discharge are incompatible with such Office.

Registrar for each Parish to be elected by the Parochial Board.

- IX. The Meetings of the Parochial Board in any such Parish for the Trial of the Qualifications and the Election of a Registrar shall be

Meetings of Parochial Board to be

called by the
Inspector of
the Poor.

called by the Inspector of the Poor acting under the said Act, by the Direction either of the Sheriff or of the Parochial Board, in such and the like Manner as the ordinary Meetings of the Parochial Board are called under the said Act, and such Meetings shall be called and held forthwith after the passing of this Act; and such Inspector shall, 5 within Six Days after a Vacancy in the Office of Registrar of the Parish of which he is Inspector shall become known to him, apply to the Sheriff or the Parochial Board to appoint a Time and Place for a Meeting of the Parochial Board for the Purpose of electing a Registrar to supply such Vacancy; and in case there shall happen to be no 10 Inspector for the Time, the Chairman of the Parochial Board shall make such Application to the Sheriff, or shall himself appoint a Time and Place for such Meeting: Provided, that if the Vacancy be caused by the Death of a Registrar who was a Schoolmaster, it shall be competent to the Sheriff, or the Parochial Board, or Chairman calling 15 the Meeting, to postpone the Election, for any Period not exceeding Four Months, until the Election of the Successor of such Schoolmaster.

Parishes may
be divided
or united.

X. If it shall at any Time appear to the Sheriff, either from his own Knowledge, or from Information received from the Parochial Board, that the Duties of Registrar of any Parish are or will be greater 20 than can be efficiently discharged by One Registrar, or that it is desirable that Two or more Parishes or Portions of Parishes should be united into One District, the Sheriff may divide such Parish or unite such Parishes or Portions of Parishes into One or more Districts as he shall think fit, and each such District shall be held to be and be 25 a separate Parish for the Purposes of this Act; and the Sheriff shall fix the distinctive Name by which each such District shall be called for the Purposes of this Act; and a written or printed Notice of such Division or Union, setting forth such distinctive Names, shall be affixed on the Doors of all the known Places of Public Worship within the Parish 30 or Parishes thereby affected for Three consecutive Weeks before such Division or Union shall come into operation, and be published Twice a Week for Three consecutive Weeks in Two Newspapers published or usually circulated in the Parishes or in the County in which the same are situated: Provided always, that any Session Clerk who, under the 35 Provisions of this Act, would be entitled to be Registrar of any Parish, shall be the Registrar of such One of the said Districts as shall be appointed by the Sheriff.

Sheriff may
annex small
Portion of
a Parish to
the Parish
adjoining.

XI. It shall be lawful for the Sheriff, if he shall deem it expedient, in order to avoid any Doubt as to the Boundary of a Parish or other- 40 wise, to annex, for the Purposes of this Act, any small Portion of a Parish to an adjoining Parish: Provided always, that any Charges payable out of the Parochial Funds for Registrations in respect of such Portion so annexed shall be payable and paid by the Parish from which such Portion is detached to the Parish to which the same 45 is

is annexed: Provided also, that the Parochial Board of the Parish from which such Portion is taken shall have no Voice in the Election of the Registrar of the Parish to which the same is annexed.

- XII. At the Time when this Act shall come into operation, and at
 5 any Time thereafter when there shall be a Vacancy in the Office of Registrar, the Parochial Board shall, subject to the Provisions herein-
 before contained, by a Majority of the Votes of the Members present
 at a Meeting specially called for the Purpose, elect the Registrar of
 the Parish or District; and in case any Dispute or Difference shall
 10 arise as to the voting or Majority of Votes at such Election, or any
 other Proceedings connected therewith, the same shall be settled
 summarily by the Sheriff on hearing verbally the Parties or their
 Agents; and in all Cases of temporary Vacancy of the Office of
 Registrar, by Death or otherwise, the Sheriff shall appoint an Interim
 15 Registrar, who shall, during the Time he shall act, have the like
 Powers and be bound to discharge the like Duties as the Registrar;
 and in all Cases of the Election or Appointment of a Registrar or
 Interim Registrar, such Election or Appointment shall, within Ten
 Days thereof, be intimated in Writing to the Registrar General by the
 20 Parochial Board or the Sheriff, as the Case may be.

Election of
Registrar by
Parochial
Board.

- XIII. In case there shall not be a Parochial Board acting under
 the said Act in any Parish or District at the Time when this Act shall
 come into operation, or at any Time thereafter, in which it is necessary
 to elect a Registrar under this Act, the Heritors shall, subject to the
 25 Approbation of the Sheriff, appoint a Registrar therein.

Where there
is no Paro-
chial Board
Heritors may
appoint the
Registrar.

- XIV. It shall be lawful for every Registrar, with the Approbation of
 the Parochial Board, or where there is no Parochial Board with
 the Approbation of the Sheriff, to appoint, by a Writing under his
 Hand, a fit Person, for whom he shall be responsible, to be his
 30 Assistant in case of his Illness or unavoidable Absence, or otherwise
 ceasing to hold his Office, until the Appointment of another Assistant,
 and also to act in all Cases where such Assistant may be authorized
 or required so to do by any Regulation to be made in virtue of this
 Act, and it shall also be lawful for such Registrar, with the like
 35 Approbation, to dismiss such Assistant; and the Entries made in the
 Registers of Births, Deaths, and Marriages herein-after mentioned, and
 Extracts made therefrom, and the Duties performed by such Assistant
 Registrar, shall be of the like Force and Effect as if made or performed
 by the Registrar: Provided always, that each Folio or Page of such
 40 Registers on which any Entry shall be made shall be signed by the
 Registrar, and every such Entry shall be authenticated by him, by affix-
 ing his Initials thereto, unless where the Registrar shall by Indisposition
 or other sufficient Cause be unable to act, in which Case such Assistant
 shall sign and authenticate such Registers, and the Entries therein.

Registrar
may appoint
Assistant.

Registrars
not to
acquire
vested
Rights in
their Offices,
and to be
subject to
Removal.

XV. No Registrar shall acquire any vested Right in or to his Office by virtue of his Appointment; and in case any Registrar shall fail or neglect or refuse to discharge the Duties of his Office, or shall be unfit or incompetent to discharge such Duties, it shall be lawful for the Parochial Board to make Application to the Sheriff 5 for his Removal from his Office of Registrar, and the Sheriff shall thereupon hear Parties, and take such Proceedings in reference to such Application, as he shall think fit; and if the Sheriff shall be of opinion that such Registrar has failed or neglected or refused to discharge the Duties of his Office, or is unfit or incompetent to discharge such 10 Duties, the Sheriff shall remove such Registrar from his Office of Registrar, and shall direct Notice of such Removal to be forthwith sent to the Parochial Board, and to be published in the Parish of which he was the Registrar, in such Manner as the Sheriff shall direct; and such Registrar shall, from and after such Publication, cease to hold 15 his Office under this Act, and shall be incapable of being reappointed thereto, and the Parochial Board shall, in manner herein provided, elect a Registrar to supply the Vacancy caused by such Removal; and the Judgment of the Sheriff in all such Cases shall be final and not subject to Review in any Court or by any Process whatsoever. 20

Appoint-
ments to
be exempt
from Stamp
Duty.

XVI. The Appointments of the Registrar General, and Secretary, and of the several Registrars and Assistant Registrars under this Act, and the certified Copies of Registers and Certificates herein mentioned, shall be exempt from all Stamp Duties.

Fees payable
to Regis-
trar.

XVII. The Registrar shall be entitled to demand, in respect of 25 Registration and the other Duties required to be performed by him under the Provisions of this Act, the several Fees herein authorized to be taken, and shall keep a correct Account of all Sums received by him in virtue of this Act in the course of each Year, and shall within Ten Days after the Thirty-first Day of July yearly, deliver or 30 transmit a Copy of such Account up to the said Thirty-first Day of July, authenticated by him, to the Sheriff, to be preserved in the Sheriff Clerk's Office, and to be furnished by the Sheriff to the Registrar General, and, if required, to One of Her Majesty's Principal Secretaries of State. 35

Existing
Registers,
&c. previous
to 1820 to be
transmitted
to the
Registrar
General, and
subsequent
Registers,
&c. to be

XVIII. All existing Parochial Registers, Minutes, and Documents of every Description relating to the Registration of Births, Deaths, and Marriages which shall have been kept in every Parish prior to the First Day of January One thousand eight hundred and fifty-five shall, as far as regards such Registers, Minutes, and Documents made and 40 entered prior to the Year One thousand eight hundred and twenty, be transmitted, under the Direction of the Sheriff, to the Registrar General, for Preservation in the General Registry Office at Edinburgh, and

and as far as regards such Registers, Minutes, and Documents from the Year One thousand eight hundred and twenty, inclusive, to the said First Day of January One thousand eight hundred and fifty-five, shall be delivered over to the Custody and Care of the Person ^{delivered up to the Registrars.} who shall be appointed Registrar of the Parish under this Act; and where any Parish shall be divided, such last-mentioned Registers, Minutes, and Documents shall remain in the Custody of the Registrar of that Portion of the divided Parish wherein such Registers, Minutes, and Documents are at the Time of the Division; and the Registrar to whom such Registers, Minutes, and Documents shall be so delivered shall, if required by the Registrar General, make or cause to be made exact Inventories and Indexes thereof in so far as such Inventories and Indexes do not already exist, noticing in such Inventories any Blanks or Deficiencies therein or other Matter requiring to be noticed; and an authenticated Copy of each such Inventory and a General Abstract of each such Index shall be transmitted by him to the Registrar General, for Preservation in the General Registry Office; and the Registers, Minutes, and Documents, from the Year One thousand eight hundred and twenty to the said First Day of January One thousand eight hundred and fifty-five, hereby appointed to remain with the Registrar of the Parish, shall, at the End of Thirty Years after the said First Day of January, be transmitted under the Direction of the Sheriff to the Registrar General for Preservation as aforesaid; and all such Registers, Minutes, and Documents, and the original Inventories, Indexes, and General Abstracts, and the authenticated Copies thereof, whether in the Custody of the Registrar or Registrar General, may be searched, and certified Copies of Entries taken therefrom, at all reasonable Times by any Person, upon Payment of the Fees authorized to be taken for the like Searches and Copies made in, or taken from, the Registers and Indexes appointed to be kept under this Act.

XIX. Provided always, that if in the Registers kept in any Parish prior to the First Day of January One thousand eight hundred and fifty-five there shall be Entries of Births, Deaths, and Marriages intermixed with Entries or Records relating to Sessional or other Matters, it shall be lawful for the Sheriff to direct either that Copies of the Entries of Births, Deaths, and Marriages shall be made and delivered to the Registrar of the Parish for the Purposes and under the Provisions of this Act, so that the existing Register may remain in the Custody in which it then is, or that Copies of the Entries or Records relating to such Sessional or other Matters shall be made and delivered over to the Parties interested therein, and the existing Register be delivered to the Registrar of the Parish; and in either Case such Copies shall be examined by the Sheriff and the Registrar, and authenticated by the Sheriff.

CLAUSE A.
Provision as
to Sessional
Registers.

CLAUSE B.
Provision as
to Burial
Registers.

XX. And whereas Registers are kept at various Burial Grounds and Cemeteries which are private Property and maintained at private Expense, and are necessary towards the Protection of the Rights of the Owners thereof, such Registers shall, upon Proof to the Satisfaction of the Sheriff to the above Effect, remain with 5 the Proprietors thereof: Provided that correct Copies of all such Registers in use on the Thirty-first Day of December One thousand eight hundred and fifty-four shall be prepared and authenticated at the Sight of the Sheriff who shall certify the same, and shall be delivered to the Registrar of the Parish wherein such Burial Ground 10 or Cemetery is situated; but nothing herein contained shall, after the said Thirty-first Day of December, relieve any such Proprietors from the Necessity of registering Deaths in the Parochial Registers under the Provisions of this Act.

The Sheriff
to superin-
tend Regis-
trars.

XXI. The Sheriff of each County shall have the Control and 15 Superintendence of the Registrars of the several Parishes and Districts within such County: Provided, that where a Parish shall be situated in more Counties than one, such Parish shall, for the Purposes of this Act, be held to be within the County in which the Parish Church is situated. 20

Register
Boxes to be
provided.

XXII. The Registrar General shall furnish to the Registrar of every Parish a strong Iron Box, to hold the Registers, Copies of Registers, and all other Records, Papers, or Documents connected with such Registers, in the Custody of the Registrar, and every such Box for each Registrar shall be furnished with a Lock and Two Keys, and 25 no more, and One of such Keys shall be kept by the Registrar, and the other Key shall be kept by the Sheriff; and the Register Books of each Parish, while in the Custody of the Registrar, and not in use, shall be always kept in the Register Box, which shall always be left locked; and where, from the Number of Register Books, such Boxes 30 may not be sufficient to contain the same, such Register Books shall be deposited and kept in fireproof Places approved of by the Sheriff, which shall be kept locked as such Boxes are hereby required to be.

Books and
Forms to be
provided.

XXIII. Upon the Application of the Registrar General there shall be furnished to him from Time to Time, from Her Majesty's Stationery 35 Office, all such Stationery, Books, Certificates, Schedules, Notices, and Forms as shall be necessary in the Execution of this Act, and as the Registrar General shall require and direct, and the Register Books shall be of durable Materials, and in them shall be printed upon each Side of every Leaf the Heads of Information herein required to be 40 known and registered of Births, Deaths, and Marriages respectively, and every Page of each Book shall be numbered progressively by printed Numbers from the Beginning to the End of the Book, beginning with Number One; and each such Page shall be ruled and filled

filled up according to the Form given in the Three several Schedules (A.), (B.), and (C.) hereunto annexed, and each separate Entry shall be numbered at the Beginning thereof with successive Numbers, beginning with Number One; and the Registrar General shall furnish
 5 to the Registrar of every Parish or District a sufficient Number of Register Books of Births, and of Register Books of Deaths, and of Register Books of Marriages, and of Certificates, Schedules, Notices, and Forms.

- XXIV. In every Case in which any Registrar, Interim Registrar, or
 10 Assistant Registrar shall die or be removed from or resign or otherwise cease to hold his Office, all Register Boxes, Keys, Books, Documents, and Papers in his Possession as Registrar, Interim Registrar, or Assistant Registrar, or which shall come into the Possession of his
 Representatives, shall be delivered up as soon as conveniently may
 15 be to his Successor in Office, or to such other Person as the Parochial Board or the Sheriff shall direct; and if any Person shall refuse to give up any such Box, Key, Book, Document, or Paper in such Case as aforesaid, it shall be lawful for the Sheriff of the County where such Person shall be or reside, upon summary
 20 Application made for that Purpose by the Parochial Board or any one authorized by them, or without such Application, to issue a Warrant for bringing such Person before such Sheriff; and upon such Person not appearing or not being found, it shall be lawful for the Sheriff to hear and determine the Matter in a summary Way; and if it shall appear to him
 25 that any such Box, Key, Book, Document, or Paper is in the Custody or Power of any such Person, and that he has refused or wilfully neglected to deliver the same, the Sheriff is hereby authorized and required to commit such Person to the Common Gaol of such County, or to any legal Gaol or Place of Confinement within the same,
 30 near the Place where such Person may be or reside, there to remain without Bail until he shall have delivered up the same, or until Satisfaction shall have been given in respect thereof to the Person in whose custody the same ought to be, or to the Parochial Board.

On Removal
or Death of
Registrars,
Register
Boxes,
Books, &c.,
to be
delivered up
to Successors.

- XXV. The Registrar and Assistant Registrar shall dwell or have
 35 a known Place of Business within the Parish or District of which he is Registrar or Assistant Registrar; and every Registrar shall cause his Name, with the Addition of Registrar for the Parish or District for which he shall be so appointed, to be placed in some conspicuous Place outside of or on or near the outer Door of his
 40 own Dwelling House, or of his usual Place of Business if different or apart from his Dwelling House; and the Sheriff shall cause to be printed and affixed for Two consecutive Sundays in the Month of November One thousand eight hundred and fifty-four,
 [163.] B and

Registrars to
dwell in
Parish and
put their
Names on
their Houses,
and their
Names
to be affixed
on Doors of
Places of
Public
Worship.

and in the Month of July yearly thereafter, upon some conspicuous Place on the Doors of all the known Places of Public Worship within the County of which he is Sheriff a List of the Names and Dwelling Houses or usual Places of Business, if different or apart from the Dwelling Houses of every Registrar and Assistant 5 Registrar in such County.

Registrar to
learn and
register
Births and
Deaths.

XXVI. Every Registrar shall, subject to the Regulations to be made as aforesaid, be and he is hereby authorized and required to inform himself carefully of every Birth and Death which shall happen within his Parish or District, and to learn and register, as 10 soon after the Event as conveniently may be done, and without Fee or Reward, save as herein-after provided, in One of the said Register Books the Particulars required to be registered, according to the Forms in the Schedules (A.) and (B.) hereunto annexed respectively, touching every such Birth or every such Death, as the Case may be, every such Entry 15 being made in Order from the Beginning to the End of the Book as aforesaid; and in case of the Parish of the Birth being different from the Parish of the Domicil of the Parents of the Child, the Registrar of the Parish of the Birth shall, within Eight Days after the Entry of the Birth in his Register, transmit a Copy of such Entry to the Registrar 20 of the Parish of the Domicil, if known to him, and the Registrar of the Parish of the Domicil shall forthwith transcribe such Entry in the Register of such Parish, and mark on the Margin of such Entry the Name of the Parish of the Birth.

Parents, &c.
to give
Notice of
Births, fail-
ing which
to give In-
formation
when re-
quired by the
Registrar.

XXVII. The Parents or Parent, or, in case of the Death or 25 Inability of the Parents, the Person in charge of any Child born, and the Occupier of every House or Tenement in which to his or her Knowledge any Birth shall take place, and the Nurse present at such Birth, and in the Case of an illegitimate Child the Mother of such Child, or in case of the Death, Illness, or Inability of the Mother, 30 the Person in charge of such Child, or the Occupier of the House or Tenement in which to his or her Knowledge the Child was born, or the Nurse present at the Birth of such Child, shall, within Twenty-one Days next after the Day of such Birth, and under a Penalty not exceeding Twenty Shillings in case of Failure, attend personally 35 and give Information to the Registrar of the Parish or District in which the Birth occurred, to the best of his or her Knowledge and Belief, of the several Particulars required by the Schedule (A.) hereunto annexed to be registered touching such Birth, and shall in presence of the Registrar sign the Register; and in the event of 40 Failure or Neglect so to give Information, such Parents, and also any other Person having Knowledge of the Particulars, shall, upon being required personally or by written Requisition, within Three Months after

after the Date of such Birth, and under a Penalty not exceeding Forty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish in which such Birth occurred, according to the best of his or her Knowledge and Belief, of the several Particulars by the said Schedule (A.) required to be registered touching the Birth of such Child, and shall sign the Register in the Presence of the Registrar.

XXVIII. In case of any Doubt existing as to the Sex or regarding the Birth of any Child, it shall be lawful for the Registrar to require the Production of the Child, and the Parents or any Person in charge of the Child shall be bound to produce it to the Registrar, unless prevented by the Illness of the Child, or other Reason satisfactory to the Registrar, under a Penalty of Forty Shillings in case of Non-compliance.

Registrar may require any Child to be produced.

XXIX. In case any Person shall find exposed any new-born Child, or the dead Body of any new-born Child, such Person shall forthwith give Notice of the finding of such exposed new-born Child, or the dead Body of such new-born Child, to the Registrar of the Parish or District, or to the Inspector of the Poor thereof, or to the District Constable, and such Registrar or Inspector or District Constable shall give the like Notice to the Procurator Fiscal; and any such Person, or Registrar or Inspector, or District Constable failing to give the Notice hereby required shall be liable in a Penalty not exceeding Forty Shillings.

Intimation of finding new-born Child or dead Body of new-born Child.

XXX. If any Child of a Scottish Parent shall be born at Sea on board of a British Vessel after the said Thirty-first Day of December One thousand eight hundred and fifty-four, the Captain or Commanding Officer of such Vessel shall forthwith make a Minute in the Log Book or otherwise of the several Particulars hereby required to be registered, touching the Birth of such Child, so far as the same may be known, and the Name of the Vessel in which the same took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other earlier Opportunity, send a certified Copy of such Minute through the Post Office to the Registrar General in Edinburgh, who shall file the same, and shall cause a true and correct Copy thereof, verified by his own Signature, to be entered in a Book to be kept for that Purpose in the General Registry Office, to be called "The Marine Register," and the Registrar General shall keep such Book with the certified Copies of Registers according to the Provisions of this Act; and the Registrar General shall, within Three Days after the Receipt of such Minute, transmit a like Copy to the Registrar of the Parish in which the Child's Parents are or were last domiciled, if

Register of Children born at Sea.

known to him, and such Registrar shall forthwith enter the Particulars specified in such Copy in his Register, noticing such Transmission therein in such Manner as shall be prescribed by the Registrar General.

Registration
after Three
Months from
the Birth of
the Child.

XXXI. After the Expiration of Three Months following the Day 5
of the Birth of any Child it shall not be lawful for any Registrar to
register such Birth save as herein provided; and in case the Birth of
any Child shall not have been registered according to the Provisions
herein-before made, it shall be lawful for either of the Parents of any
legitimate Child, and for the Mother of any illegitimate Child, or for 10
the Guardians of any legitimate or illegitimate Child, to make a
Declaration in Writing before the Sheriff of the Particulars required
to be registered touching the Birth of such Child, according to the
best of his or her Knowledge and Belief, and it shall thereupon, with
the Authority of the Sheriff, be lawful for the Registrar to register 15
the Birth of such Child according to the Information of the Person
making such Declaration; and in every such Case the Sheriff before
whom such Declaration is made shall sign the Entry of the Birth
in the Register along with the Declarant and the Registrar; and for
every such Registration the Registrar shall be entitled, unless the 20
Delay shall have been occasioned by his Default, to a Fee of Two
Shillings from the Person requiring such Birth to be registered; and
no Register of Births, except in the Case of Children born at Sea,
shall be admissible in Evidence to prove the Birth of any Child
wherein it shall appear that more than Three Months have intervened 25
between the Day of the Birth and the Day of the Registration of
the Birth of such Child, unless the Entry shall be signed by the
Sheriff; and every Person who shall knowingly register or cause to be
registered the Birth of any Child otherwise than herein provided
after the Expiration of Three Months following the Day of the 30
Birth of such Child shall forfeit and pay for every such Offence a
Sum not exceeding Five Pounds.

Name given
in Baptism
after Regis-
tration may
be regis-
tered within
Six Months.

XXXII. If any Child whose Birth shall have been registered
as aforesaid shall, within Six Months next after such Registration,
have any Name given to it in Baptism, or shall have the 35
Name by which it may have been registered altered in
Baptism, the Parent or Guardian of such Child, or other Person
procuring such Name to be given, may procure and deliver to the
Registrar in whose Custody the Register of the Birth of the Child
shall be, a Certificate according to the Form of Schedule (D.) to this 40
Act annexed, or to the like Effect, signed by the Minister or Clergy-
man who shall have administered the Sacrament of Baptism, which
Certificate such Minister is hereby required to deliver as soon

as may be after the Baptism, or, whenever the same shall be demanded, within Six Months as aforesaid; and the Registrar, upon the Receipt of such Certificate, and on Payment of the Fee of One Shilling, to which he shall be entitled, shall, without any Erasure of the Entry, forthwith insert the Name by which the Child was baptized in the Register, and shall, after Entry of the Name in the Register, certify upon the Certificate the Fact of the Name being so entered; and in case the Duplicate Register in which such Entry is recorded shall have been transmitted to the Registrar General as herein-after directed, the Registrar shall transmit the Certificate through the Post Office to the Registrar General, who shall cause the like Entry of the Name to be made in the certified Copy of the Register in the General Registry Office, and shall preserve the Certificate.

XXXIII. In the Case of any Child of Parents not recognizing the Sacrament of Baptism or Infant Baptism, it shall be lawful for such Parents or the Guardians of such Child, within Six Months after the Birth of any such Child shall have been registered, when any Name shall have been given to any such Child by the Parents or Guardians of such Child, to deliver to the Registrar in whose Custody the Register of the Birth of such Child shall be, a Certificate in the Form of the Schedule (E.) to this Act annexed, or to the like Effect, signed by such Parents or Guardians, whereupon, and upon Payment of a Fee of One Shilling, such Registrar shall, without Erasure as aforesaid, register therein the Name of such Child; and such Certificate shall be certified and transmitted by the Registrar to the Registrar General in the like Manner and to the like Effect as is herein-before prescribed regarding Certificates in relation to Names given in Baptism.

Provision for Name given without Baptism after Registration.

XXXIV. There shall be produced to the Minister or other Person officiating in the Administration of the Sacrament of Baptism of any Child a Certificate of the Registration of the Birth of such Child, and failing such Production such Minister or other Person shall forthwith intimate the Baptism of such Child, with all the Information which he may have regarding the Birth and Parentage of such Child, to the Registrar of the Parish in which the Parents of such Child reside.

Clergyman, on Nonproduction of Certificate of Registration of Birth, to send Notice to Registrar.

XXXV. In the Case of an illegitimate Child it shall not be lawful for the Registrar to enter the Name of any Person as the Father of such Child, unless at the joint Request of the Mother and of the Person acknowledging himself to be the Father of such Child, and who shall in such Case sign the Register as Informant along with the Mother: Provided always, that when the Paternity of any illegitimate Child has been found by Decree of any competent Court, the Clerk of Court shall, within Ten Days after the Date of such Decree,

Name of Father of illegitimate Child not to be entered unless at request of Father and Mother; but if Paternity or Legitimacy of

Child fixed
by Decree of
Court, the
Clerk to
notify same
to the Regis-
trar.

send by Post to the Registrar of the Parish in which the Father is or was last domiciled, or in which the Birth shall have been registered, Notice of the Import of such Decree in the Form of the Schedule (F.) to this Act annexed, or to the like Effect, under a Penalty not exceeding Forty Shillings in case of Failure; and on receipt of 5
such Notice the Registrar shall add to the Entry of the Birth of such Child in the Register the Name of the Father and the Word " Illegitimate," and shall make upon the Margin of the Register opposite to such Entry a Note of such Decree and of the Import thereof; and in like Manner in the event of any Child registered 10
as illegitimate being subsequently found by Decree of any competent Court to be legitimate, the Clerk of Court shall notify such Decree to the Registrar, in the Form as nearly as may be of the said Schedule (F.), who shall forthwith make upon the Margin of the Register in which the Birth is entered, and opposite to such Entry, a Note of 15
such Decree and of the Import thereof, under a Penalty not exceeding Forty Shillings in case of Failure.

Correction of
Registration
of Children
legitimated
per subse-
quens matri-
monium.

XXXVI. In the event of any Child, registered as illegitimate, being legitimated per subsequens matrimonium, the Registrar of the Parish in which the Birth of such illegitimate Child was registered 20
shall, upon Production of an Extract of the Entry of such Marriage in the Register of Marriages, note on the Margin of the Register opposite to the Entry of the Birth the Legitimation of such Child per subsequens matrimonium, and the Date of the Registration of such Marriage.

25

CLAUSE E.
Certificate
of Entry of
Birth to be
given.

XXXVII. When any Entry of a Birth shall be made in a Register upon the Information of any Person required to give Information, under this Act, the Registrar on making such Entry shall give or transmit by Post to the Informant within Two Days after the Date of the Entry an Extract thereof, without Payment of any Fee, under 30
a Penalty not exceeding Forty Shillings in case of Failure.

Persons pre-
sent at Death,
or Occupier
of House, or
Inmate, to
give Notice
of Death,
failing which
to give
Information
when re-
quired by the
Registrar.

XXXVIII. The nearest Relatives present at the Death of any Person, and the Occupier of the House or Tenement in which the Death took place, and if the Occupier be the Person who shall have died, his nearest Relatives and the Inmates of the House or Tenement in 35
which such Death shall have taken place, shall, within Eight Days next after the Day of such Death, and under a Penalty not exceeding Twenty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish in which such Death occurred, to the best of his or her Knowledge and Belief, of the 40
several Particulars required by the Schedule (B.) hereunto annexed to be registered touching such Death, and shall in Presence of the Registrar

Registrar sign the Register; and in the event of Failure or Neglect so to give Information, such Persons, and any other Person having Knowledge of the Particulars, or if such Death shall not have taken place within a House, then every Person present at such Death or
 5 having a Knowledge of the Circumstances attending the same, shall, upon being required personally or by written Requisition, within Fourteen Days after the Date of such Death, and under a Penalty not exceeding Forty Shillings in case of Failure, attend personally and give Information to the Registrar of the Parish in which such
 10 Death occurred, according to the best of his or her Knowledge and Belief, of the several Particulars by the said Schedule (B.) required to be registered touching such Death, and shall sign the Register in Presence of the Registrar.

XXXIX. In the event of any Person dying not in a House or
 15 Tenement the Occupier of the House or Tenement in which such Person was at the Time lodging or residing, or if the Person dying shall have been the Occupier, then the Inmates of such House or Tenement, upon respectively receiving Information of such Death, shall, within Twenty-four Hours thereafter, give or cause to be given
 20 Notice thereof to the Registrar of the Parish within which the Deceased lodged or resided, under a Penalty not exceeding Forty Shillings; and if it shall not be known where the Deceased lodged or resided, any Person present at the Death or finding the Body, and any Parish or public Officer, or any Party to whom the Body shall be brought, and who
 25 shall receive the same, shall in like Manner, and under the like Penalty in case of Failure, be bound to give the like Notice thereof to the Registrar of the Parish in which the Body shall be so found, or in which it shall be so received, and the Registrar shall immediately thereupon communicate such Notice to the Procurator Fiscal, under a
 30 like Penalty in case of Failure; and in case the Procurator Fiscal shall receive such Notice from any other Person than the Registrar, the Procurator Fiscal shall, within Three Days, communicate such Particulars as are by this Act required to be registered, so far as within his Knowledge, to the Registrar.

In case of Persons dying not in a House.

35 XL. Provided always, that in every Case in which a Precognition touching the Death of any Person shall be held, the Procurator Fiscal, having regard to the Particulars herein required to be registered concerning the Death, shall in such Form and Manner as shall be prescribed by the Sheriff, with the Approbation of the Lord
 40 Advocate, inform the Registrar of the Result of such Precognition, and the Registrar shall, without requiring the Procurator Fiscal to sign the same, make the Entry accordingly, stating the Procurator Fiscal as his Informant.

Procurator Fiscal to give Result of Precognition.

CLAUSE G.
Medical At-
tendant to
transmit
Certificate
of Death to
the Regis-
trar.

XLI. The Medical Person who shall have been in Attendance during the last Illness, and until the Death of any Person, shall within Fourteen Days after the Death of such Person, and under a Penalty not exceeding Forty Shillings in case of Failure, transmit to the Registrar a Certificate of such Death, in the Form of the Schedule (G.) 5 hereunto annexed, which shall forthwith be entered by the Registrar in the Register, and the Registrar shall from Time to Time furnish gratis to every Medical Person within his Parish or District known to him, or who shall require the same, the necessary Copies of such Certificate. 10

CLAUSE H.
Undertaker
to transmit
Certificate
of Interment
to the Re-
gistrar.

XLII. The Undertaker or other Person having charge of the Interment of any Person shall, within Three Days after such Interment, and under a Penalty not exceeding Forty Shillings in case of Failure, transmit to the Registrar a Certificate of such Interment, in the Form of the Schedule (H.) hereunto annexed, which shall forthwith be 15 entered by the Registrar in the Register, and the Registrar shall from Time to Time furnish gratis to every Undertaker within his Parish or District known to him, or who shall require the same, the necessary Copies of such Certificate.

Register of
Persons
dying at
Sea.

XLIII. If any of Her Majesty's Scottish Subjects shall die at Sea 20 on board of a British Vessel after the said Thirty-first Day of December One thousand eight hundred and fifty-four, the Captain or Commanding Officer of the Vessel on board of which such Death shall have happened shall forthwith make a Minute in the Log Book or otherwise of the several Particulars herein-before required to be inserted in the Register 25 touching such Death, so far as the same may be known, and the Name of the Vessel wherein the Death took place, and shall, on the Arrival of such Vessel in any Port of the United Kingdom, or by any other earlier Opportunity send a certified Copy of such Minute through the Post Office to the Registrar General in Edinburgh, who shall file the 30 same, and shall cause a true and correct Copy thereof, verified by his own Signature, to be entered in "The Marine Register Book," and shall within Three Days after the Receipt of such Minute transmit a like Copy to the Registrar of the Parish in which the Deceased was domiciled, if known to him, so that the Registrar thereof may forthwith 35 make the requisite Entry in the Register of Deaths; and in Cases of Shipwreck, the Captain or any Officer of the Vessel who may have escaped, or if the Officers have all perished, then any Person who may have escaped, and shall be required by the Registrar General to that Effect, shall to the best of his Knowledge comply with the 40 Provisions and Requisitions in this Section, as far as the Case will admit.

XLIV. The

- XLIV. The Registrar, immediately upon registering any Death, or as soon thereafter as he shall be required so to do, shall without Fee or Reward deliver to the Informant, for the Use of the Undertaker or other Person having Charge of the Funeral, a Certificate under his Hand, according to the Form of Schedule (I.) to this Act annexed, that such Death had been duly registered, and such Certificate shall, under a Penalty not exceeding Ten Pounds in case of Failure, be delivered by such Undertaker or other Person to the Person having the Charge of the Churchyard, Cemetery, Church, Chapel, Aisle, Vault, or other Place of Interment, or having the Control, Management, or Superintendence of the burial of the Dead in the Place of Interment in which the Body is to be buried previous to the Interment taking place; and if any dead Body shall be buried for which no Certificate shall have been so delivered, the Person having Charge of such Churchyard or other Place of Interment shall within Three Days thereafter, under a Penalty not exceeding Twenty Shillings in case of Failure, give Notice thereof to the Registrar of the Parish in which such Death shall have happened, according to the Form of Schedule (H.) to this Act annexed.

Registrar to give Certificate of Registration of Death to be delivered at Interment.

- XLV. If the Parties bound to give Information to the Registrar for completing his Register shall not attend him for that Purpose, he shall make Intimation to them requiring them to attend him for such Purpose at his Place of Abode or known Place of Business where the Register is kept, at an Hour to be fixed in such Intimation, between the Hours of Eight of the Clock in the Morning and Six of the Clock in the Evening; and in case of their failing to attend, then the Registrar shall make a Second Intimation to the like Effect, and if the Parties shall again fail to attend, the Registrar shall apply to the Sheriff, who, upon Evidence to his Satisfaction of such Failure, after Two successive Intimations, shall issue his Warrant for compelling the Attendance of the Parties so failing, which may be executed by any Sheriff Officer.

Registrar may require Parties to attend him to give Information.

- XLVI. In all Cases of regular Marriages, when the Certificates of the Proclamation of the Banns are given out, such Certificates shall be accompanied by a Copy of the said Schedule (C.), and upon the Solemnization of the Marriage, such Schedule, having all the Information thereby required inserted therein, shall be produced to the Minister solemnizing the Marriage, or to the Person solemnizing any Marriage according to the Rites and Forms respectively observed by Jews and Quakers, or shall be filled up in the Presence of such Minister or Person, and shall be signed by the Parties contracting the Marriage, and by the Witnesses, Male or Female, present thereat, not being less than Two, and also by the Minister or Person officiating,

CLAUSE D.
Registration of regular Marriages.

and be delivered to the Parties contracting the Marriage, who shall within Three Days thereafter either deliver or send by Post such Schedule to the Registrar of the Parish wherein the Marriage was solemnized; and the Husband, and failing the Husband the Wife, shall in case of Failure so to deliver or send such Schedule be 5 liable in a Penalty not exceeding Ten Pounds; and upon being received by the Registrar, such Schedule shall be forthwith entered by him in the duplicate Registers; and all such Schedules shall be taken by the Registrar with the Duplicate Registers to the Sheriff, and shall be transmitted by the Sheriff with the Duplicate Registers 10 to the Registrar General, for Preservation in the General Registry Office.

Registrar to attend Parties when required to register Marriages.

XLVII. It shall be competent to the Persons intending to contract Marriage to require the Registrar of the Parish to attend at the Solemnization thereof, at any Place within such Parish; and such 15 Registrar is hereby required, upon a written Notice of Forty-eight Hours given to him to that Effect, to attend with the Register Book accordingly, and to make the proper Entry therein, and for such Attendance and Entry the Registrar shall be entitled to a Fee of One Pound, besides the Sum of Sixpence for each Mile which such 20 Registrar shall be obliged to travel in going from his Place of Abode to the Place of such Marriage.

Marriages of Persons fined for irregular Marriages, and Marriages constituted by Decree of Declarator, to be registered.

XLVIII. In the event of any Persons being convicted before any Justice of the Peace or Magistrate of having irregularly contracted a Marriage, it shall be lawful for either of the Parties to such 25 irregular Marriage, and they are severally hereby required, to register such Marriage in the Parish in which such Conviction shall have taken place; and in case of any Marriage being established by a Decree of Declarator of any competent Court, it shall be lawful for either of the Parties to the Action in which such Decree was pronounced to 30 register such Marriage in the Parish of the Domicil of such Parties, or the Parish of their usual Residence; and the Production to the Registrar of an Extract of such Conviction or Decree of Declarator shall be sufficient Evidence and Warrant for the Registration of such Marriages, on Payment to the Registrar of a Fee of Twenty Shillings. 35

CLAUSE I.
Convictions in irregular Marriages and Decrees of Declarator of Marriages to be intimated to Registrar.

XLIX. The Clerk of Court in which any such Conviction has taken place, or any such Decree of Declarator has been pronounced constituting any Marriage as aforesaid, shall, upon such Conviction or Decree so taking place or being pronounced, give Information to the Registrar of the Parish in which such Conviction took place, and in 40 case of a Decree of Declarator, to the Registrar of the Parish of the Domicil, or of the Parish of the usual Residence of the Parties, as the Case

Case may be, to the Action of Declarator, by Notice of the Import of such Conviction or Decree, in the Form of Schedule (K.) to this Act annexed; and any such Clerk of Court failing so to do shall be liable in a Penalty not exceeding Forty Shillings, which may be pro-
5 secuted for and recovered at the Instance of the Registrar.

L. Every Registrar shall make out an Account twice in every Year of the Number of Births, Deaths, and Marriages which he shall have registered in the Half Years terminating on the last Day of June and the last Day of December next preceding, and the Sheriff shall
10 examine and verify or cause the same to be examined and verified; and it shall be lawful for the Parochial Board of the Parish, on Production of such Account so verified and signed by the Sheriff, to levy by Assessment the Sums required for Payment to the Registrar of the Amount of his Account so verified, and such further Sum as may be
15 necessary for his Remuneration, and for the Expenses of taking the Duplicate Registers yearly to the Sheriff; and such Assessment shall be made and levied in the same Manner as and along with but separate from the Assessment for the Support of the Poor; and if there shall be no Assessment for the Support of the Poor in any Parish,
20 then such Assessment shall be made and levied half-yearly, either in the same Manner as and along with but separate from the Rate for the Support of Prisons, or in such other Manner as the Sheriff may direct; and the Parochial Board shall pay to the Registrar such Sums as he shall be entitled to receive in Terms of such verified
25 Account, according to the following Scale; (that is to say,) for the first Twenty Entries of Births, Deaths, and Marriages in each Half Year which he shall have registered, whether the same be of Births or of Deaths or of Marriages indiscriminately, Two Shillings each, and One Shilling for each subsequent Entry of Births and of Deaths and
30 of Marriages in each Half Year; and in the event of such Fees being deemed inadequate to his Remuneration, such further Sum as the Parochial Board shall think fit.

Registrars to make out Account of Number of Births, Deaths, and Marriages half-yearly, and Assessment to be levied and Payment made in respect thereof.

LI. Provided that it shall be lawful for the Parochial Board, with the Approbation of the Registrar General or of the Sheriff, to place
35 the Registrar and Assistants upon annual Salaries, the Amount of which shall be fixed by the Parochial Board, with the like Approbation; and such Salaries shall be paid by the Parochial Board out of the Assessment to be levied as herein-before directed, and the Fees received by the Registrars and Assistants, which in such Case shall
40 be paid over by them to the Parochial Board.

Registrars may be paid by Salary.

LII. The Registrar shall furnish gratis to all Persons hereby required to give Information, who shall apply therefor, printed Forms,
[163.] C 2 which

CLAUSE C.
Forms to be supplied gratis.

which shall be supplied by the Registrar General to the Registrar, setting forth the Heads of the Particulars required to be specified and inserted in such Forms; and the Registrar General shall cause a printed Copy of Section Forty-eight of this Act, and Copies also of the Schedule (C.) hereunto annexed, to be supplied to the several 5 Registrars, who shall, upon Application therefor, furnish such Copies to any Minister at any Time applying for the same, and to the Session Clerk of every Parish, and to the Registering Officers of the several Societies of Friends, and to the Secretaries of the Jewish Synagogues, for Use in the Registration of Marriages under this Act. 10

Registers to be kept in Duplicate and annually examined by the Sheriff, and Duplicate to be transmitted to the Registrar General.

LIII. All the Registers hereby appointed to be kept shall be kept in Duplicate, and such Duplicates shall be paged continuously alike, and each Page shall be authenticated by the Sheriff affixing his Initials thereto before Delivery thereof to the Registrars, and the Contents of each Page of such Duplicate Register Books shall be the same, and 15 each Page shall be signed by the Registrar; and in the First Week of August in each Year, on such Day as shall be fixed by the Sheriff, the Duplicate Register Books for the preceding Year ending on the Thirty-first Day of December shall be taken by the Registrar to the Sheriff, by whom, along with the Registrar, the same 20 shall be carefully examined and compared, and a Docquet shall be added at the End of each Duplicate, stating the Examination and Accuracy thereof, the Number of Pages, and any marginal Additions or Erasures appearing on either Duplicate, so as to preclude the Possibility of Interpolation, and such Docquet shall be 25 signed by the Parties examining the Duplicates; and One of such Duplicates shall be retained by the Registrar, and the other shall be transmitted by the Sheriff to the Registrar General on or before the Thirty-first Day of August in each Year; and the Sheriff when transmitting such Duplicate shall report any Circumstance relating 30 to the Registers to which he may think the Attention of the Registrar General ought to be called.

Additions to or Alterations of the Registers.

LIV. If in the course of any Year any such Additions or Alterations as are directed or authorized by this Act to be made on the Registers shall be so made, the Registrar shall make a Minute in 35 Duplicate of such Additions or Alterations, and on the Day in the Month of August when the Sheriff shall examine the Duplicate Registers, as herein-before provided, the Registrar shall deliver One of such Duplicate Minutes to the Sheriff, together with all the relative Documents, and the Sheriff shall, if necessary, inquire into the Accu- 40 racy of the Facts therein set forth, and if erroneous, correct the Minute; and thereupon the Sheriff and Registrar shall examine and authenticate the Duplicate Minutes, and One thereof shall be retained by

by the Registrar, and the other shall be transmitted by the Sheriff through the Post Office to the Registrar General, with the Duplicate Registers, and such Minute shall be deemed and taken to be a Part of the Registers, and the Alterations and Additions so
 5 authenticated shall forthwith be given effect to on or opposite to the Entries in the Duplicate Registers for the Periods to which such Alterations and Additions apply.

L.V. If any Duplicate Register in the Custody of the Registrar shall be lost, destroyed, or mutilated, or shall have become illegible, in
 10 whole or in part, such Fact shall be forthwith communicated by the Registrar to the Registrar General, who shall require the Registrar immediately to transmit to him the Duplicate Register which shall have been mutilated or become illegible; and the Registrar General shall thereupon present a Petition to one of the Divisions of the Court
 15 of Session, setting forth the Fact of the Loss, Destruction, Mutilation, or total or partial Illegibility, as the Case may be, of such Duplicate Register, and the Date of the Discovery of such Loss, Destruction, Mutilation, or total or partial Illegibility of such Duplicate, and the Court, on being satisfied regarding the same, and after such Inti-
 20 mation as they may think proper, shall order such Register to be corrected or completed, or a new Duplicate to be made, at the Sight of the Registrar General, and such corrected or completed Duplicate, or new Duplicate, authenticated by the Signature of the Registrar General, shall thereupon become in all respects of the same Force and
 25 Validity as the original Duplicate.

Duplicate Register to supply the Place of any Register destroyed or become illegible.

LVI. The Registrar General shall cause tabular alphabetical Indexes of the Duplicate Registers in his Custody to be made and kept in the General Registry Office, and every Person shall be entitled, on Payment of the Fees herein-after mentioned, to search such Indexes
 30 between the Hours of Ten in the Morning and Four in the Afternoon of every Day except Sunday, and to have a certified Copy of any Entry in the said Duplicate Registers; and for every general Search of such Indexes the Sum of Twenty Shillings, and for every particular Search the Sum of One Shilling, and for every
 35 certified Copy of any Entry the Sum of Two Shillings, and no more, shall be paid to the Registrar General, or such other Officer as shall be appointed to receive such Fees on his Account: Provided, that it shall be competent to the Registrar General to permit gratis Searches to be made by or on behalf of and Certificates to be given gratis to
 40 Persons of whose Inability to pay he shall be satisfied.

Indexes to be kept at General Registry Office, where they may be searched.

LVII. Every Registrar shall forthwith cause tabular alphabetical Indexes of the Duplicate Registers in his Custody to be made and
 [163.] C 3 kept
 Indexes of Parish Registers to

be made,
which may
be searched.

kept in the Registrar's Office, and every Person shall be entitled at all reasonable Hours to search the said Indexes, subject to such Regulations as the Sheriff may prescribe, and to have an Extract of any Entry or Entries in such Registers under the Hands of the Registrar, on Payment of the Fees herein-after mentioned, (that is to say,) for 5 every general Search the Sum of Two Shillings, and for every Search for a particular Register of Birth, Death, or Marriage, the Sum of One Shilling, and for every Extract of any Entry the Sum of Two Shillings; and any Registrar who shall refuse or neglect to make such Extract for One Month after being required so to do shall be 10 liable in a Penalty not exceeding Ten Pounds.

CLAUSE F.
Extracts of
Entries to be
admissible as
Evidence.

LVIII. Every Extract of any Entry in the Register Books to be kept under the Provisions of this Act, duly authenticated and signed by the Registrar General if such Extract shall be from the Registers kept at the General Register House at Edinburgh, and by the Regis- 15 trar if from any Parochial or District Register, shall be admissible as Evidence in all Parts of Her Majesty's Dominions, without any other or further Proof of such Entry.

Money
received by
Registrar
General to
be accounted
for.

LIX. Every Sum received by the Registrar General under the Provisions of this Act shall be accounted for, and paid by the Registrar 20 General at such Times as the Lords Commissioners of Her Majesty's Treasury from Time to Time shall direct into the Bank of England to the Credit of Her Majesty's Exchequer, according to the Provisions of an Act passed in the Fourth and Fifth Years of His late Majesty, intituled "An Act to regulate the Office of the Receipt of His 25 " Majesty's Exchequer at Westminster," or be applied by Order of the said Commissioners towards the Payment of the Expenses of the said General Registry Office in Edinburgh.

4 & 5 W. 4.
c. 15.

Penalty on
giving false
Information.

LX. Every Person who shall knowingly and wilfully make or cause to be made, for the Purpose of being inserted in any Register 30 of Birth, Death, or Marriage, any false or fictitious Entry, or any false Statement regarding the Name of any Person mentioned in the Register, or touching all or any of the Particulars by this Act required to be registered, shall be deemed guilty of an Offence, and on Con- 35 viction shall be punishable by Transportation for a Period not exceeding Seven Years, or by Imprisonment for a Period not exceeding Two Years.

Penalty on
Registrar for
omitting to
register.

LXI. Every Registrar who shall refuse, or, without reasonable Cause, omit to register any Birth or Death or Marriage, or to make any Addition to or Alteration upon the Register in accordance with 40 the

the Provisions of this Act, shall forfeit a Sum not exceeding Ten Pounds for every such Offence.

LXII. Every Person who shall wilfully destroy, obliterate, erase, or injure any Entry, or cause to be destroyed, obliterated, erased, or injured any such Register, or Duplicate thereof, or any Minute, Notice, or Certificate made or given pursuant to this Act, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register or Duplicate, or any such Minute, Notice, or Certificate, or shall wilfully insert or make or cause to be inserted or made in any such Register or Duplicate, any false or fictitious Entry of, or any false Statement touching any Birth, Death, or Marriage, or shall wilfully give any false Certificate, or falsify any Certificate, or shall certify any Writing to be a Copy or Extract of any such Register, knowing the same to be false or fictitious in any Part thereof, shall be deemed guilty of an Offence, and on Conviction thereof be liable to be punished by Transportation for a Period not exceeding Seven Years, or by Imprisonment for a Period not exceeding Two Years.

Penalty for destroying or falsifying Register, &c.

LXIII. If any Error shall be discovered to have been committed in the Entry of any Birth, Death, or Marriage in any such Register, the Person discovering the same shall forthwith give Information thereof to the Sheriff, and it shall be lawful for the Sheriff, and he is hereby authorized and required, thereupon, or upon otherwise coming to the Knowledge of such erroneous Entry, to summon before him the Person who made, and any Person concerned in the making such erroneous Entry, or having Knowledge regarding the same, and also any Person interested in the Effect of such erroneous Entry, and to examine all such Persons upon Oath; and if the Sheriff shall be satisfied that any Error has been committed in any such Entry, he shall, by Authority in Writing under his own Hand, direct a corrected Entry of the Birth, Death, or Marriage, in relation to which such Error has been committed, and bearing the Date of the Correction to be made in a separate Register Book, to be called "The Register of corrected Entries," and in such corrected Entry reference shall be made to the Depositions upon which the Correction of the Error has proceeded, and the Sheriff shall also make or cause to be made an Entry or Marking upon the Margin of the original Entry of such Birth, Death, or Marriage in the Duplicate Registers, but shall not alter the original Entry, distinctly referring by Volume and Page and Date to the Entry made in "The Register of corrected Entries;" and if the Duplicate Register has not yet been transmitted to the Registrar General, the Sheriff shall authorize and cause to be made such Reference in the Margin of such Duplicate; and the Sheriff shall, every Year, transmit such "Register of corrected

For correcting erroneous Entries.

Entries to the Registrar General, at the same Time and in the same Manner as is provided for the Transmission of Duplicates of Registers.

Errors in
Entry may
be corrected
before
signing.

LXIV. Provided always, That Errors committed in the Form or Substance of any Entry may be corrected according to the Truth of the Case before the Entry is signed; and if any Correction is intended 5 to be made by Erasure or Obliteration, the same shall be effected by drawing a Line through the erroneous Words or Figures, but so as to leave the same legible; and any Addition or Alteration relative to such Correction shall be made as near as may be to the Correction, and the Registrar shall affix his Signature thereto. 10

Recovery
and Appli-
cation of
Penalties.

LXV. All Penalties imposed by this Act may, unless otherwise directed, be recovered by summary Proceedings upon Complaint in Writing made by the Procurator Fiscal to the Sheriff of the County within which such Penalty shall be incurred, or to the Sheriff of any County in which the Person complained against may be found; and 15 on such Complaint being made, such Sheriff shall issue a Warrant for bringing such Person immediately before him, or shall issue an Order requiring such Person to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Person complained against, either in Person or by leaving with some Inmate at his 20 usual Place of Abode a Copy of such Order and of the Complaint whereon the same has proceeded; and either upon the Appearance or on the Default to appear of such Person, it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of the Offence either by the Confession of the Person complained against, 25 or upon the Oath of One or more credible Witness or Witnesses, and without any written Pleadings or Record of Evidence to convict the Offender, and upon such Conviction to decree, adjudge, and sentence him to pay the Penalty incurred, and the Expenses attending the Conviction, and to grant Warrant for imprisoning him until such Penalty 30 and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Offender shall be discharged, notwithstanding such Penalty and Expenses shall not have been paid, and which Period shall in no Case exceed Two Months, 35 and such Penalty shall go to the Registrar General; and the Decision of the Sheriff in all such Cases shall be final and conclusive, and shall not be subject to Review in any Court or by any Process whatsoever.

Town Coun-
cils of Burghs
to have
Powers of

LXVI. Where any Parish shall be situated wholly or in part in 40 a Burgh, the Town Council of such Burgh shall have and possess all the Powers hereby conferred on Parochial Boards, and shall be liable to

to the Discharge of all the Duties hereby imposed on such Boards in respect of such Parish or Part of a Parish; and such Powers and Duties shall be exercised and discharged by such Town Council as nearly as may be in Terms of the Provisions herein contained relative to such Parochial Boards; and the Word "Burgh" shall have the Meaning annexed to it in the Seventy-sixth Section of this Act, excepting in the Case of Burghs which do not as Burghs send or contribute to send a Member to Parliament, the Boundaries of which shall continue to be as fixed by Royal Charter, or Act of Parliament, or other Constitution thereof.

LXVII. The Expense attending the Postage or Carriage of all Letters and Packets relating exclusively to the Execution of this Act, sent by the General Post from Place to Place in Great Britain and Ireland, to or from the Registrar General, and also the Expense of registering any Letter containing any Register transmitted through the Post Office, shall be defrayed as a Part of the Expense of the General Registry Office herein-before provided for: Provided always, that such Letters and Packets as shall be sent to the Registrar General be directed to the Registrar General in Edinburgh, and all such Letters and Packets as shall be sent by the Registrar General shall be in Covers, with the Words "Registrar General, Edinburgh," printed on the same, and be signed on the Outside thereof under such Words with the Name of such Person as the Registrar General, with the Consent of the said Commissioners of Her Majesty's Treasury, shall appoint, in his own Handwriting, such Name to be from Time to Time sent to the Secretaries of the General Post Office in London, Edinburgh, and Dublin, and under such other Regulations as the said Commissioners shall think fit; and if the Person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special Direction of his superior Officer, or which he shall himself know to relate exclusively to the Execution of this Act, or if the Person so to be appointed, or any other Person, shall knowingly send or cause to be sent, under any such Cover, any Letter, Paper, or Writing, or any Enclosure other than shall relate exclusively to the Execution of this Act, every Person so offending shall forfeit and pay the Sum of One hundred Pounds, and be dismissed from his Office, One Moiety of such Penalty to be paid to the Use of Her Majesty, Her Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same, to be sued for or recovered in any competent Court.

LXVIII. Nothing herein contained shall affect the Proclamation of Banns, or the Registration thereof as at present in use, or the Law of Marriage in Scotland.

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LXIX. The

Parochial Boards.

Correspondence of Registrar General relating to this Act how to be defrayed.

Proclamation of Banns and Law of Marriage not affected.

Registrar
General to
furnish
Notices of
Acts
required to
be done to
Sheriff
Clerks for
Publication
on Doors of
Places of
Worship, &c.

LXIX. The Registrar General shall, within Three Months after his Appointment to such Office, and from Time to Time as he shall think fit, furnish to the respective Sheriffs of the several Counties in Scotland such printed Notices respecting the Acts required to be done under this Act by the Persons who are herein 5 required to give Notice or Information with regard to any Birth, Death, or Marriage as he shall think it requisite to be publicly known, which Notices the Sheriffs shall, as soon as conveniently may be after the Receipt thereof, cause to be affixed on the Outside of the Doors of all the known Places of Public Worship, or other public 10 and conspicuous Buildings or Places within their respective Counties.

Notices may
be given by
Post.

LXX. Wherever Notice is required to be given by this Act, the Person bound to give the Notice shall be held to have sufficiently discharged himself if he shall have put into the Post Office, before the Expiration of the Period within which the Notice is required to be 15 given, a Letter addressed to the Person to whom, and containing the Particulars of which, the Notice is required to be given.

Penalties not
exigible if
Notice given.

LXXI. No Penalty imposed by this Act on Parties failing to give any Notice required by this Act shall be exigible, if any of the Parties so required shall have given such Notice. 20

Parties may
sign by a
Mark before
Witnesses.

LXXII. In case of the Inability to write of any Person whose Signature is required or necessary under this Act, it shall be lawful for such Person to adhibit a Cross or other Mark, and being adhibited in Presence of the Registrar, or Sheriff, or Two Witnesses, who shall adhibit their Designations to their Names, such Mark shall be in all 25 respects as binding and effectual as the Signature of such Person if capable of writing would have been.

No Penalty
where
Failure not
wilful.

LXXIII. No Penalty shall be exacted in any Case where it shall appear to the Satisfaction of the Sheriff that the Party failing to comply with the Provisions of this Act, in relation to the giving Notices 30 under the same, has not wilfully been guilty of such Failure, but that such Failure has been occasioned by unavoidable Accident, or by Circumstances over which he had no Control, and where he has used every reasonable Endeavour towards Compliance with such Provisions. 35

Registrar
General may
alter
Schedules.

LXXIV. It shall be lawful for the Registrar General, with the Consent of Her Majesty in Council, to diminish, from Time to Time, the Fees hereby authorized to be taken, and to alter the Schedules to this Act annexed, regard being always had to the Objects and Purposes of this Act, and to rendering the same more effectual; and such 40

Alteration

Alteration of Fees or Schedules shall be published in the Edinburgh Gazette, and shall within Fourteen Days after the same shall have been issued be laid before both Houses of Parliament, or if Parliament shall not be then sitting, within Fourteen Days after the Meeting
5 of the then next Session.

LXXV. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construc-
tion; (that is to say,) Interpreta-
tion of Act.

10 The Expression "Registrar General" shall mean the Registrar General of Births, Deaths, and Marriages in Scotland, for the Time being, appointed and acting under this Act:

The Word "Parish" shall include any Division of a Parish or Union of Parishes into a District or Districts made in pursuance of this
15 Act:

And with regard to any Birth, Death, or Marriage herein mentioned, the Words "Registrar" and "Assistant Registrar" shall mean the Registrar and Assistant Registrar of the Parish or District in which such Birth, Death, or Marriage took place or
20 such Marriage was solemnized, celebrated, or contracted; and the Word "Register" shall mean the Duplicate Registers of Births, Deaths, and Marriages to be kept and made pursuant to this Act:

The Word "Sheriff" shall mean the Sheriff of the County of which he is Sheriff, and shall include Sheriff Substitutes:

25 The Words "Procurator Fiscal" shall mean the Procurator Fiscal of the County or Division of a County of which he is Procurator Fiscal:

The Word "Minister" shall be taken to include Ministers or Pastors of Christian Congregations of all Denominations:

30 The Word "County" shall include any Division of a County established by Law:

The Word "Burgh" shall apply to a City, Burgh, or Town being a Royal Burgh, or which sends or contributes as a Burgh to send a Member to Parliament, and the Boundaries of all such
85 Burghs shall for the Purposes of this Act be the same as are described in the Act Second and Third William the Fourth, Chapter Sixty-five:

The Word "Heritors" shall mean Heritors entitled to elect a Schoolmaster under an Act passed in the Forty-third Year of the
40 Reign of His Majesty King George the Third, Chapter Fifty-four:

The Word "Occupier" shall include the Guardian, Master, Governor, Keeper, Steward, House Surgeon, or Superintendent of every Gaol, Prison, or House of Correction, Workhouse, Hospital, Lunatic Asylum, or public Charitable Institution.

Act to
extend only
to Scotland.

LXXVI. This Act shall extend only to Scotland.

5

SCHE-

SCHEDULE (B.)

1855. Deaths in the Parish of in the County (or Burgh) of *Edinburgh*. Registered by *John Thomson*, Registrar.

No.	Description of the Deceased.			Particulars of Death.				Signature of Informant.	When and where registered, and Signature of Registrar.	
	Name, Rank, Profession, or Occupation.	Where born, and How long in this District.	Parents' Names, and Rank, Profession, or Occupation.	If Deceased was married, To whom.	Issue, in Order of Birth, their Names and Ages.	When died. Year, Day of Month, Hour.	Where died.			Cause of Death, and how long Disease continued. Medical Attendant by whom certified, and when he last saw Deceased.
301	CANTY, WILLIAM, Labourer.	In 62 County of Cork, Ireland. 36 Years in Edinburgh.	Timothy Canty, Shoemaker, deceased. Mary Canty, Maiden Name Nicolas, deceased.	Honora 1. Timothy, 34. M ^c Carthy, 2. William, 30. 3. Mary, 29. 4. John, dec. at 27, in 1854. 5. Catherine, dec. at 4, in 1858. 6. Stephen, 21.		1855. February. Twenty-eight. 6h 30m. a.m.	At 16, Cottage Lane, Edinburgh.	Pneumonia—2 Months. As certified by H. Bloomfield, M.D., who saw Deceased Feb. 27th.	Burial Ground of Greyfriars, Edinburgh. As certified by George Watson, Witness.	Honora Canty, her Widow, Informant. James Johnston, Shoemaker, Edinburgh, John Thomson, son, Registrar. George Henderson, Clerk in the Register Office, Edinburgh, Witness.

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

SCHE-

SCHEDULE (C.)

1855. Marriages in the Parish of in the County (or Burgh) of Edinburgh. Registered by John Smith, Registrar.

No.	When, where, and how married.	Signatures of the Parties, or Mark.	Residence.		Age.	Rank or Profession, and Relationship of Parties (if related).	Condition.			Birthplace, and where registered.	Parents' Names.		If a regular Marriage, Signatures of Officiating Minister and Witnesses.	If irregular, Date of Extract, Sentence of Conviction, or Decree of Declarator, and in what Court pronounced.	When and where registered, and Signature of Registrar.
			Present.	Usual.			If a Widower or Widow, whether Second or Third Marriage.	Children by each former Marriage.							
								Living.	Dead.						
11	On March Third, 1855. At Edinburgh: Marriage (after Banns) was solemnized between us according to the Rites and Ceremonies of the Established Church of Scotland.	William Hastings.	6, High Street, Edinburgh.	Chelmsford, Essex.	32	Carpenter	Widower, Second Marriage.	2	1	Born and registered on 1 May 1822, at Bristol.	Peter Hastings, deceased, and Ann Hastings, Maiden Name Payne.	James Brown, Minister of High Church, Edinburgh.	James Brown, Minister of High Church, Edinburgh.	1855. March 4th. At Edinburgh.	John Smith, Registrar.
		Sophia Ann Mitchell.	4, Hamilton Place, Edinburgh.	4, Hamilton Place, Edinburgh.	20	Dressmaker	Spinster.			Born and registered at Perth.	John Mitchell and Sarah Mitchell, Maiden Name Evans, deceased.	John Hastings, Witness. Jane Mitchell, Witness.	John Hastings, Witness. Jane Mitchell, Witness.		

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

SCHEDULE (D.)

I Minister of do hereby certify,
 That I have this Day baptized by the Name of a (*state
 the Sex*) Child produced to me by as the Child of
A. B. and C. D. of and declared by the said
 to have been born at in the County
 of on the Day of One thousand eight
 hundred and Witness my Hand, this Day
 of One thousand eight hundred and Minister.

SCHEDULE (E.)

I do hereby certify, That the Child named
 was born at in the County of
 on the Day of One thousand eight hundred and
 ; that *A. B. and C. D.*, of are the Parents
 of the said Child ; and that the Name was given
 to the said Child on the Day of One thousand
 eight hundred and according to the Rules or Usage of the
 Sect or Persuasion of to which the said Parents belong.
 Witness my Hand, this Day of One
 thousand eight hundred and .
 [*Signed by Parent or Guardian of Child.*]

SCHEDULE (F.)

To the Registrar of the Parish of in the
 County of . Take notice, That the Court of Ses-
 sion [*or other competent Court*], upon the Day of
 18 , pronounced Decree in an Action before
 the said Court, at the Instance of [*Pursuer's Name and Description*],
 against [*Defender's Name and Description*], relating to the Paternity
 of [*describe the Child*], finding that the said Child was the illegitimate
 Child of the said [*Pursuer and Defender's Names*]. Witness my
 Hand this Day of One thousand eight hundred
 and .

[*Signed by the Clerk of Court.*]

SCHEDULE (G.)

To the Registrar of the Parish (*or District*) of in
 the County (*or Burgh*) of .
 I hereby certify, That I attended , who was apparently
 aged Years ; that I last saw him (*or her*) on the Day

Day of 185 ; that he (or she) died on the Day
 of 185 , at ; that the Cause
 of his (or her) Death was ; and that the Disease
 had continued . Witness my Hand, this Day of
 One thousand eight hundred and
 Signed _____
 Profession _____
 Residence _____

SCHEDULE (H.)

To the Registrar of the Parish of in the County of
 . Take notice, That upon the Day of
 18 the Body of *A.B.* of was buried
 in the [*here insert the Name of the Churchyard or other Place of*
Interment]. Witness my Hand, this Day
 of One thousand eight hundred and
 [*Signed by the Undertaker or other Person having Charge of the*
Funeral, or the Person having Charge of the Place of Interment.]

SCHEDULE (I.)

I Registrar of Births, Deaths, and Marriages in
 the Parish of do hereby certify, That the Death of *A.B.* of
 was duly registered by me on the Day of
 One thousand eight hundred and . Witness
 my Hand, this Day of One thousand eight
 hundred and _____ Registrar.

SCHEDULE (K.)

To the Registrar of the Parish of in the
 County of . Take notice, That [*A.B.*, a Justice of Peace
 for the County of convicted *C.D.* of
 of having irregularly contracted a Marriage with *E.F.* of];
 or, that the Court of Session [*or other competent Court*], upon the
 Day of 18 , pronounced
 Decree in an Action of Declarator of Marriage before the said Court,
 at the Instance of *G.H.* [*Pursuer's Name and Description*], against
I.K. [*Defender's Name and Description*], finding that *G.H.* of
 and *I.K.* of had intermarried.
 Witness my Hand, this Day of One
 thousand eight hundred and .
 [*Signed by the Clerk of Court.*]

Registration of Births, &c.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE AND ON
RE-COMMITMENT]

To provide for the better Registration
of Births, Deaths, and Marriages in
Scotland.

*(Prepared and brought in by
Lord Elcho, Viscount Palmerston, and
The Lord Advocate.)*

*Ordered, by The House of Commons, to be Printed
29 June 1854.*

[Bill 163.]

Under 5 oz.

10 July 1854. 17 & 18 VICT.



A

B I L L

TO

Amend the Law relating to the Appointment of Returning Officers in certain Cases.

WHEREAS by an Act passed in the Session of Parliament Preamble.
holden in the Sixteenth and Seventeenth Years of the
Reign of Her present Majesty, Chapter Sixty-eight, it is
amongst other things enacted, that the Writ for making any Elec-
5 tion of a Member to serve in Parliament for any Borough, Town
Corporate, Port, or Place returning Members to serve in Parliament
in England and Wales shall thereafter be directed to the Returning
Officer of such Borough, Town Corporate, Port, or Place respectively:
And whereas by another Act passed in the Session of Parliament
10 holden in the Sixth and Seventh Years of His late Majesty, Chapter
One hundred and one, it was amongst other things enacted, that if
at any Time during which any Precept ought to be issued or other
Act done by or with regard to the Returning Officer for any City,
Borough, or Town, the Office of Returning Officer shall happen to
15 be vacant, it shall be lawful for the Sheriff of the County in which
such City, Borough, or Town is situate, by Writing under his Hand,
to appoint some fit Person as his Deputy to perform the Duties of
Returning Officer during such Vacancy: And whereas Difficulties
and Delay may arise in the Appointment of such sufficient Deputy,
20 in the Case of a Vacancy in the Office of Returning Officer, by reason
[Bill 200.] of

Sheriff to be
Returning
Officer in
Boroughs
where the
Office of
Returning
Officer shall
be vacant.

of the Writ being directed to such Returning Officer, and there being
no Person qualified to receive and execute the same: Be it enacted
by the Queen's most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same, as 5
follows: That in all Cases whatever, whenever there shall be, either
from temporary Vacancy, or from some other Cause, no Person duly
qualified in any Borough, City, or Town to perform the Duties of
Returning Officer for the same, the Writ for making any Election of a
Member to serve in Parliament for the said Borough, City, or Town 10
shall be directed to the Sheriff of the County in which such Borough,
City, or Town is situate, and it shall be lawful thereupon for the said
Sheriff himself to act, or to appoint by Writing under his Hand some
fit Person to act, as Returning Officer for and in respect of the said
Election.

Returning Officers.

A

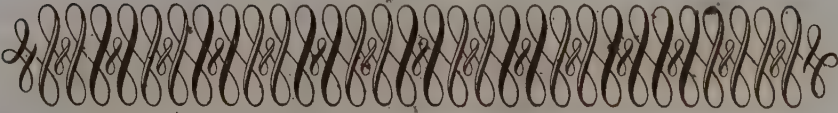
B I L L

To amend the Law relating to the
Appointment of Returning Officers in
certain Cases.

*(Prepared and brought in by
Mr. Seymour Fitzgerald and Viscount Goderich.)*

*Ordered, by The House of Commons, to be Printed,
10 July 1854.*

[Bill 200.]
Under 1 oz.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Appointment of Returning Officers in certain Cases.

WHEREAS by an Act passed in the Session of Parliament Preamble.
holden in the Sixteenth and Seventeenth Years of the
Reign of Her present Majesty, Chapter Sixty-eight, it is
amongst other things enacted, that the Writ for making any Elec-
5 tion of a Member to serve in Parliament for any Borough, Town
Corporate, Port, or Place returning Members to serve in Parliament
in England and Wales shall thereafter be directed to the Returning
Officer of such Borough, Town Corporate, Port, or Place respectively :
And whereas by another Act passed in the Session of Parliament
10 holden in the Sixth and Seventh Years of His late Majesty, Chapter
One hundred and one, it was amongst other things enacted, that if
at any Time during which any Précept ought to be issued or other
Act done by or with regard to the Returning Officer for any City,
Borough, or Town, the Office of Returning Officer shall happen to
15 be vacant, it shall be lawful for the Sheriff of the County in which
such City, Borough, or Town is situate, by Writing under his Hand,
to appoint some fit Person as his Deputy to perform the Duties of
Returning Officer during such Vacancy : And whereas Difficulties
and Delay may arise in the Appointment of such sufficient Deputy,
20 in the Case of a Vacancy in the Office of Returning Officer, by reason
[Bill 219.] of

of the Writ being directed to such Returning Officer, and there being no Person qualified to receive and execute the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sheriff to be
Returning
Officer in
Boroughs
where the
Office of
Returning
Officer shall
be vacant.

I. Every Writ for making any Election of a Member to serve in Parliament for any Borough, City, or Town shall be directed to the Returning Officer of the said Borough or his Deputy, and in their Absence to the Sheriff of the County in which the said City, Borough, 10 or Town is situate; and in all Cases whatever, whenever there shall be, either from temporary Vacancy or from some other Cause, no Person duly qualified in any Borough, City, or Town to perform the Duties of a Returning Officer for the same, the Sheriff of the County in which such Borough, City, or Town is situate shall be charged with 15 the Execution of the said Writ, and shall execute the same and in all respects perform the Duties of and incidental to the Office of Returning Officer: Provided always, that it shall not be lawful for the said Sheriff to receive or execute the Writ except when there shall be no Person within the said Borough, City, or Town legally qualified 20 and competent as Returning Officer to execute the same.

Returning Officers.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to the
Appointment of Returning Officers in
certain Cases.

(Prepared and brought in by
Mr. Seymour Fitzgerald and Viscount Goderich.)

*Ordered, by The House of Commons, to be Printed,
17 July 1854.*

[Bill 219.]
Under 1 oz.

11 July 1854. 17 & 18 VICT.



A

B I L L

TO

Authorize the Application of a Sum of Money out
of the forfeited and unclaimed Army Prize
Fund in enlarging and improving the Royal
Military Asylum.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS by the Act of the Second of His late Majesty Preamble.
King William the Fourth, for consolidating and amending
the Laws relating to the Payment of Army Prize Money,
the Commissioners of the Royal Hospital at Chelsea were authorized
5 from Time to Time to appropriate such Sums of Money, forming a
Part of the Prize Money then already forfeited or unclaimed, or
thereafter to become forfeited or unclaimed, as they might think
expedient and proper, to the general Service and Expenses of the
said Royal Hospital, or relating thereto: And whereas a Sum of
10 Sixty-seven thousand eight hundred and eighty-four Pounds Thirteen
Shillings and Twopence per Centum Consolidated Bank Annuities,
arisen from forfeited and unclaimed Shares of Army Prize Money, is
now standing in the Books of the Governor and Company of the
Bank of England, to an Account intituled “ The Stock Account of
15 “ the Paymaster General and Secretary-at-War, as Trustees for the
“ Army Prize Fund:” And whereas the Royal Military Asylum at
Chelsea for the Reception of the Children of Soldiers requires to be
[Bill 201.] enlarged

Part of forfeited and unclaimed Army Prize Fund may be applied in enlarging and improving Royal Military Asylum.

enlarged for the Reception of an additional Number of Children, and it is expedient that a Part of the said Annuities should be applied in making such Enlargement and in improving the Buildings of the said Asylum: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual 5 and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Paymaster General and Secretary-at-War, or in case of the Vacancy of the Office of either of them then the other of them, shall, by Sale of a sufficient Part of the said Sum of Sixty-seven thousand eight hundred and eighty-four 10 Pounds Thirteen Shillings and Twopence Consolidated Bank Annuities, raise such Sum or Sums, not exceeding in the whole the Sum of *Seven thousand Pounds*, as the Commissioners of Her Majesty's Treasury shall by Warrant under their Hands direct, and pay or cause to be paid such Sum or Sums to the Governor and Company 15 of the Bank of England, to the Credit of Her Majesty's Paymaster General, and such Sum or Sums shall be placed to such Account as the Commissioners of Works and Buildings shall direct, and shall be applied by such Commissioners in such Manner as they, with the Approbation of the said Commissioners of Her Majesty's Treasury, 20 shall think fit, in enlarging, altering, repairing, and improving the Buildings of the Royal Military Asylum.

Royal Military Asylum.

A

B I L L

To authorize the Application of a Sum of
Money out of the forfeited and un-
claimed Army Prize Fund, in enlarging
and improving the Royal Military
Asylum.

(*Prepared and brought in by*
Mr. Secretary-at-War and Mr. Wilson.)

Ordered, by the House of Commons, to be Printed,
11 July 1854.

[Bill 201.]
Under 1 oz.

12 July 1854. 17 & 18 VICT.



A

B I L L

TO

Render any Dealing with Securities issued during
the present War between Russia and England
by the Russian Government a Misdemeanor.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS it is expedient to prevent as much as possible Preamble.
the Russian Government from raising Funds for the
Purpose of prosecuting the War which it at present carries
on against this Country: Be it therefore enacted by the Queen's most
5 Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Par-
liament assembled, and by the Authority of the same, as follows:
That if any Person or Persons shall purchase or sell, or shall,
as a Security for a Debt or Claim, or for any other Purpose what-
10 ever, accept or give, assign or transfer, or shall offer to purchase, sell,
or, as a Security for a Debt or Claim, or for any other Purpose
whatever, to accept or give, assign, or transfer any Bond, Debenture,
Share of a Loan, Stock, Scrip, or Security which since the
Day of March One thousand eight hundred and fifty-four has been,
15 or which previously to the Signature of a Treaty of Peace between
Russia and England shall be or shall purport or be reputed to be,
entered into, executed, signed, issued, or guaranteed by the Russian
[Bill 206.] Prohibiting
the Dealing
in Russian
Debentures,
Loans, Stock,
Scrip, or Se-
curities.
Government

Government, or any Person or Persons on its Behalf, then every Person who shall buy, sell, accept, give, assign, or transfer, or shall offer to buy, sell, accept, give, assign, or transfer, any such Bond, Debenture, Share of a Loan, Stock, Scrip, or Security as aforesaid, shall be and be deemed to be guilty of a Misdemeanor, and upon 5 being duly convicted thereof shall be liable to be imprisoned for a Term of not less than *Three* Calendar Months, and to pay a Fine to Her said Majesty, Her Heirs or Successors, at the Discretion of the Court.

Russian Government Securities.

A

B I L L

To render any Dealing with Securities
issued during the present War between
Russia and England by the Russian
Government a Misdemeanor.

(Prepared and brought in by
Lord Dudley Stuart, Mr. Isaac Butt, and
Mr. Montagu Chambers.)

Ordered, by The House of Commons, to be Printed,
12 July 1854.

Under 1 oz.

[Bill 206.]

2 August 1854. 17 & 18 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Render any Dealing with Securities issued during
the present War between Russia and England
by the Russian Government a Misdemeanor.

[The Clauses marked A, B. and C. were added in the Committee.]

WHEREAS it is expedient to prevent as much as possible Preamble.
the Russian Government from raising Funds for the
Purpose of prosecuting the War which it at present carries
on against this Country: Be it therefore enacted by the Queen's most
5 Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Par-
liament assembled, and by the Authority of the same, as follows:

I. If, during the Continuance of Hostilities between Her Majesty
and the Emperor of Russia, any Person within Her Majesty's
10 Dominions, or any British Subject in any Foreign Country, shall
wilfully or knowingly take, acquire, become possessed of, or interested
in any Stocks, Funds, Scrip, Bonds, Debentures, or Securities for
Money which, since the Twenty-ninth Day of March One thousand
eight hundred and fifty-four, have or hath been, or which, during the
15 Continuance of Hostilities as aforesaid, shall be, created, entered into,
or secured by or in the Name of the Government of Russia, or any
Person or Persons on its Behalf, every Person so taking, acquiring,
[Bill 263.] becoming

CLAUSE A.
Prohibiting
the Dealing
in Russian
Stocks, &c.

becoming possessed of, or interested in any such Stocks, Funds, Scrip, Bonds, or Debentures as aforesaid shall be guilty of a Misdemeanor, and in Scotland of an Offence punishable with Fine or Imprisonment: Provided always, that the Provisions of this Act shall not extend to or include the Case of any such Person or Subject 5 claiming an Interest in the Estate or Effects of any deceased Person, or the Case of any such Person or Subject taking the Estate or Effects of his Debtor in Execution, or the Case of any such Person or Subject claiming in any Country to be interested under any Bankruptcy, Insolvency, Sequestration, Cessio Bonorum, or Disposition of Property 10 in trust for Creditors, but that in every such Case the British Subject may take and receive any Stocks, Funds, Scrip, Bond, or Debentures, or any Share, Legacy, Dividend, Debt, or Sum of Money due or belonging to him, which may arise from or be produced by the Sale or Proceeds of any such Stocks, Funds, Scrip, Bonds, or 15 Debentures as aforesaid; and provided also, that nothing herein contained shall be construed to include the Government Notes which are used as a circulating Medium in the Russian Dominions.

CLAUSE B.
This Act not
to affect the
Law of
Treason.

II. Nothing herein contained shall have the Effect of reducing to a Misdemeanor any such Offence which if this Act had not been passed 20 would amount to the Crime of High Treason, or be deemed in any Manner to alter or affect the Law relating to High Treason; but no Person indicted for a Misdemeanor under this Act shall be entitled to an Acquittal on the Ground that the Acts proved against him amount in Law to the Crime of High Treason. 25

CLAUSE C.
Costs of
Prosecution.

III. On any Indictment for a Misdemeanor under this Act the Costs of the Prosecution shall be allowed as directed by the several Acts, Seventh George the Fourth, Chapter Sixty-four, and Fourteenth and Fifteenth Victoria, Chapter Fifty-five; and all the Provisions of the said Acts empowering Courts to order Payment of Costs and Expenses, 30 and Compensation for Trouble and Loss of Time, in the Cases of the Misdemeanors in the said Acts mentioned, shall extend and be applicable to Indictments for Misdemeanor under this Act.

RECEIVED
20th April

1914

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Russian Government Securities.

A

B I L L

[AS AMENDED IN COMMITTEE]

To render any Dealing with Securities
issued during the present War between
Russia and England by the Russian
Government a Misdemeanor.

(Prepared and brought in by
Lord Dudley Stuart, Mr. Isaac Butt, and
Mr. Montagu Chambers.)

*Ordered, by The House of Commons, to be Printed,
2 August 1854.*

Under 1 oz.



A

B I L L

FOR

Further regulating the Sale of Beer and other Liquors on the Lord's Day.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS the Provisions in force against the Sale of fermented and distilled Liquors on the Morning of the Lord's Day have been found to be attended with great Benefits, and it is important to extend such Provisions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preamble.
11 & 12 Vict.
c. 49.

- I. That it shall not be lawful for any Licensed Victualler or Person licensed to sell Beer by Retail to be drunk on the Premises or not to be drunk on the Premises, or any Person licensed or authorized to sell any fermented or distilled Liquors, or any Person who by reason of the Freedom of the Mystery or Craft of Vintners of the City of London, or of any Right or Privilege, shall claim to be entitled to sell Wine by Retail to be drunk or consumed on the Premises, in any Part of England or Wales, to open his House for the Sale of or to sell Beer, Wine, Spirits, or any other fermented or distilled Liquor between *Two* o'Clock and *Six* o'Clock or after *Nine* o'Clock on Sunday, or on Christmas Day or Good Friday, or any Day appointed for a Public Fast or Thanksgiving, except as Refreshments to a bonâ fide Traveller or a Lodger therein.

Prohibition
against the
opening of
Houses for
the Sale of
Beer, &c. on
Sundays.

[Bill 211.]

II. That

Regulating
the Sale of
Liquors, &c.
on Sundays.

II. That no Person shall open any House or Place of public Resort for the Sale of fermented or distilled Liquors, or sell therein such Liquors, in any Part of England or Wales on Sunday, or on Christmas Day or Good Friday, or any Day appointed for a Public Fast or Thanksgiving, except as Refreshment for Travellers.

5

Power of
Constables
to enter
Houses, &c.

III. That it shall be lawful for any Constable at any Time to enter into any House or Place of public Resort for the Sale of Beer, Wine, Spirits, or other fermented or distilled Liquor or Liquors; and every Person who shall refuse to admit or shall not admit such Constable into such House or Place shall be deemed guilty of an Offence against 10 this Act.

Penalty for
Offences
against this
Act.

IV. That every Person who shall offend against this Act shall be liable, upon a summary Conviction for the same before any Justice of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where the Offence shall be committed, to a Penalty not 15 exceeding *Five Pounds* for every such Offence, and every separate Sale shall be deemed a separate Offence.

Sale of Beer, &c.

A

B I L L

For further regulating the Sale of Beer
and other Liquors on the Lord's Day.

(*Prepared and brought in by*
Mr. Wilson Patten, Mr. Henry, and
Mr. Sohieron.)

Ordered, by The House of Commons, to be Printed,
13 July 1854.

[Bill 211.]
Under 1 oz.

LORDS AMENDMENTS
TO THE
SALE OF BEER, &c., BILL.

Page 1. Line 16. After ("open") insert ("or keep open")

Line 18. After ("between") insert ("Half past")

Lines 20. and 21. Leave out ("between Twelve o'Clock and") and insert ("before"), and in Line 21. leave out ("on any") and insert ("in the Morning"), and also in Line 21. leave out ("Days") and insert ("Day")

Page 2. Line 6. After ("between") insert ("Half past")

Line 9. Leave out ("between Twelve o'Clock and") and insert ("before")

Line 10. Leave out the first ("of") and insert ("in"), and in the same Line leave out ("on any"), and also in the same Line leave out ("Days") and insert ("Day")

LORDS AMENDMENTS
TO THE
SALE OF BEER, &c., BILL.

*Ordered, by The House of Commons, to be Printed,
31 July 1854.*

[Bill 251.]

Under 1 oz.



A

B I L L

TO

Continue an Act of the Twelfth Year of Her present Majesty, for amending the Laws relating to Savings Banks in Ireland, and to authorize Friendly Societies to invest the whole of their Funds in Savings Banks.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS an Act was passed in the Twelfth Year of the Preamble.
Reign of Her Majesty, intituled “An Act to amend the 11 & 12 Vict.
“Laws relating to Savings Banks in Ireland:” And c. 133.
whereas the said Act was continued in force by another Act passed in
5 the Fifteenth and Sixteenth Years of the Reign of Her Majesty until
the First Day of January One thousand eight hundred and fifty-four,
and until the End of the then next ensuing Session of Parliament:
And whereas it is expedient that the said first-recited Act should be
further continued: Be it therefore enacted by the Queen’s most
10 Excellent Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same,

I. That the said Act shall be further continued until the *First Day* Act further
of January One thousand eight hundred and fifty-eight, and until the continued.
15 End of the then next ensuing Session of Parliament.

[Bill 175.]

II. It

Funds of
Friendly
Societies
may be
deposited
in Savings
Banks to any
Amount.

II. It shall be lawful for the Trustees of Savings Banks duly established according to Law to receive from the Trustees or other proper Officers of Friendly Societies, duly enrolled, registered, or certified in the Manner required by the Acts in force relating to Friendly Societies, any Sum of Money the Property of such Societies, without 5 Restriction as to Amount, under such Regulations as shall be prescribed by the Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them.

Savings Banks.

A

BILL

To continue an Act of the Twelfth Year of Her present Majesty, for amending the Laws relating to Savings Banks in Ireland, and to authorize Friendly Societies to invest the whole of their Funds in Savings Banks.

(*Prepared and brought in by
Mr. Wilson and Mr. Chancellor of the Exchequer.*)

*Ordered, by The House of Commons, to be Printed,
3 July 1854.*

[Bill 175.]

Under 1 oz.

10 February 1854. 17 VICT.



A

B I L L

TO

Abolish in England and Wales the compulsory Removal of the Poor on the Ground of Settlement; and to make Provision for the more equitable Distribution of the Charge of Relief in Unions.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.

“ **W**HEREAS it is expedient that the Power to remove poor Preamble.
“ Persons on the Ground of Settlement should be

“ annulled:” Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords
5 Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

I. After *the passing of this Act* it shall not be lawful for any Justices of the Peace to remove or convey, or to order to be removed or conveyed, any poor Person from any Parish in England or Wales
10 to any other Parish in England or Wales, on the Ground that he is legally settled in such last-mentioned Parish.

Compulsory Removal from Parishes in England and Wales to other Parishes in England and Wales, on the Ground of Settlement, prohibited.

II. “ And whereas it is expedient to make Provision for the more Relief of
“ equal Distribution of the Charge for the Relief of the Poor in Poor in
“ Unions:” Be it enacted, That from and after *the passing of this* Union to be
[Bill 11.] *Act,* a Charge on Common

Fund of the Union. 4 & 5 W. 4. c. 76. *Act*, the Charge for the Relief of all poor Persons in every Union formed or to be formed under the Act passed in the Fifth Year of the Reign of King William the Fourth, intituled "An Act for the better Administration of the Laws for the Relief of the Poor in England and Wales," shall be borne by the Common Fund of such Union, to be contributed in the Manner herein-after mentioned. 5

Contributions to Common Fund how to be calculated. III. "And whereas it is expedient to provide for the ultimate Charge of the Relief of the Poor upon the rateable Property comprised in every such Union equally, and that such Equality should be attained by gradual Approximation:" Be it enacted, That the Common Fund necessary for the Relief of the Poor in such Union, and for the other Purposes authorized by Law, shall be formed by Contributions from the several Parishes comprised therein, in manner following; that is to say, in the First Year after this Act comes into Operation therein, *One Tenth* Part of the said Common Fund shall be contributed by the several Parishes according to the annual rateable Value of the Property in such Parishes respectively, assessed to the Relief of the Poor in the Rates made last before each such Contribution respectively, and the other *Nine Tenth* Parts of the said Fund shall be contributed according to the Averages for the Time being declared in the respective Parishes in the Union under the Provisions of the said Act of the Reign of King William the Fourth; in the Second Year, *Two Tenth* Parts of the said Fund shall be contributed according to the said annual rateable Value and *Eight Tenth* Parts according to the said Averages; in the Third Year, *Three Tenth* Parts of the said Fund shall be contributed according to the said annual rateable Value, and *Seven Tenth* Parts according to the said Averages; and so on, by regular Gradation, until the Expiration of the Ninth Year, and thenceforward the whole of the said Common Fund shall be contributed by the several Parishes according to the annual rateable Value of the Property in such Parishes respectively. 10 15 20 25 30

Error in Contribution to be adjusted in Account. IV. Provided, That no Order of Guardians for Contribution, purporting to be made in accordance with this Act shall be deemed to be void by reason of any Error in the Estimate of the annual rateable Value of the Property in any Parish in the Union upon which the Contribution was calculated; and every Parish affected by any Error in the Calculation of the Contribution shall be entitled to have the same set right in the making out and closing of the Accounts of the Union, or at the Audit thereof. 35 40

Former Debts and Charges V. Provided also, That nothing herein contained shall alter or affect the Liability of any Parish comprised in any such Union in regard

regard to any Charge lawfully created in the Union, and secured upon Pa-
upon the Poor Rates of all or any of the Parishes comprised therein, rishes in
which has been created at any Time previous to the Day when this Union.
Act comes into Operation; but the same shall continue to be charged
5. and payable in like Manner as it would by Law have been charged
and payable if this Act had not passed: Provided also, that nothing
herein contained shall apply to any Contribution due from any
Parish in the Union on the Day when this Act comes into Operation,
but the same shall be recoverable in the same Manner as if this
10 Act had not passed.

VI. The Words used in this Act shall be construed in the Manner
prescribed by the said Act made in the Fifth Year of the Reign of
King William the Fourth and by the Acts incorporated therewith.

Act to be
construed
with the Poor
Law Amend-
ment Act,
4 & 5 W. 4.
c. 76. and
the Acts
incorporated
therewith.

Settlement and Removal.

A

B I L L

To abolish in England and Wales the compulsory Removal of the Poor on the Ground of Settlement, and to make Provision for the more equitable Distribution of the Charge of Relief in Unions.

(Prepared and brought in by
Mr. Baines, Viscount Palmerston, and
Mr. Grenville Berkeley.)

*Ordered, by The House of Commons, to be Printed,
10 February 1854.*

[Bill 11.]

Under 1 oz.

22 May 1854. 17 VICT.



(Scotland.)

A

B I L L

TO

Provide for Payment of the Salaries of the Sheriff and Sheriff Clerk of Chancery in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

- W**HEREAS by an Act passed in the Session of Parliament Preamble.
holden in the Tenth and Eleventh Years of the Reign of Her
present Majesty, intituled “An Act to amend the Law and 10 & 11 Viet.
“Practice of Scotland as to the Service of Heirs,” it was enacted, that c. 47.
- 5 it should be lawful for Her Majesty to appoint a fit Person, being a
Person qualified for the Office of Sheriff of a County in Scotland, to be
the Sheriff of Chancery for the Purposes of the said Act, and also to
appoint a fit Person to act both as Sheriff Clerk of Chancery and as
Clerk of the Presenter of Signatures in Exchequer; and it was thereby
- 10 provided that such Sheriff and Sheriff Clerk should respectively
receive such Salaries in respect of their Offices as should be from
Time to Time fixed by the Commissioners of Her Majesty’s Treasury,
and that such Salaries should be payable “out of the Fees receivable
“in the Office of Chancery:” And whereas Her Majesty appointed a
- 15 Sheriff of Chancery and a Sheriff Clerk of Chancery, and Salaries
were fixed by the said Commissioners payable as aforesaid: And
whereas the Fees now receivable in the Office of Chancery have been
diminished, and are inadequate to provide for Payment of the said
[Bill 107.] Salaries,

Salaries, and Part of the Salary due and payable to the said Sheriff is unpaid, and it is proper that the said Salaries should be paid out of the Funds from which the Salaries of Sheriffs of Counties are payable, and that Provision be made for Payment of the Arrears of the Salary of the said Sheriff now unpaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Salaries of Sheriff and Sheriff Clerk of Chancery to be payable out of the Funds from which those of Sheriffs of Counties are payable.

I. The said recited Act, in so far as it enacts that the said Salaries of the said Sheriff of Chancery and Sheriff Clerk of Chancery shall be payable out of the Fees receivable in the Office of Chancery in Scotland, is hereby repealed; and the said Salaries, and any Increase thereof, shall hereafter be payable out of the Funds from which the Salaries of Sheriffs are payable, and the Part of the Salary due, but not hitherto paid to the Sheriff of Chancery, shall be paid out of the said Funds.

Salary of Sheriff of Chancery to be on the same Footing as the Salaries of Sheriffs of Counties. 16 & 17 Vict. c. 80. ss. 37. and 38.

II. And whereas by an Act passed in the last Session of Parliament, intituled "An Act to facilitate Procedure in the Sheriff Courts in Scotland," it was enacted, that it should be lawful to grant to any Sheriff such Salary as to the Commissioners of Her Majesty's Treasury might seem meet, not being less than Five hundred Pounds by the Year, and also to grant to any Sheriff a retiring Allowance or Annuity in respect of long Service: And whereas Doubts exist whether the said Enactments apply to the Office of Sheriff of Chancery, and it is just and proper that such Doubts should be removed: Be it enacted, That it shall be lawful to grant to the Sheriff of Chancery such Salary as to the Commissioners of Her Majesty's Treasury may seem meet, not being less than *Five hundred Pounds* by the Year, commencing from the *First Day of November One thousand eight hundred and fifty-three*, and also a retiring Annuity in respect of long Service, subject to the Provisions and Conditions set forth in the Thirty-eighth Section of the said last-recited Act, which Salary and Annuity shall be payable out of the same Funds from which the Salaries and Annuities of Sheriffs of Counties are payable.

Sheriff and Sheriff Clerk of
Chancery.

(Scotland.)

A

B I L L

To provide for Payment of the Salaries
of the Sheriff and Sheriff Clerk of
Chancery in Scotland.

(*Prepared and brought in by*
Mr. Bouverie, The Lord Advocate, and Viscount
Palmerston.)

Ordered, by the House of Commons, to be Printed,
22 May 1854.

[Bill 107.]

Under 1 oz.



A

B I L L

TO

Amend the Law respecting Simony, and to render
illegal the Sale of the next Presentation to any
Ecclesiastical Benefice.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS by the Sale and Purchase of the next Avoidances Preamble.
or Presentations to Ecclesiastical Benefices the Law
respecting Simony is often evaded, and great Scandal
brought upon the Church: And whereas the Purchase or Procure-
5 ment for Money or Reward by Clergymen of next Presentations or
Avoidances has been rendered illegal by a Statute passed in the
Twelfth Year of the Reign of Queen Anne: And whereas it is
expedient to extend the Operation of the aforesaid Statute to the
Purchase or Procurement of next Presentations or Avoidances by Lay
10 Persons: Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, as follows:

I. If any Person, from the Time of *the passing of this Act*, shall
15 or do, for any Sum of Money, Reward, Gift, Profit, or Advantage,
directly or indirectly, or for or by reason of any Promise, Agree-
ment, Grant, Bond, Covenant, or other Assurance of or for any Sum
[Bill 9.] Presentations
to Benefices
when made
for valuable
Considera-
tion to be
of void.

of Money, Reward, Gift, Profit, or Benefit whatsoever, directly or indirectly procure or purchase the next Presentation to any Benefice with Cure of Souls, every Presentation made in virtue thereof shall be utterly void; and it shall be lawful for Her Majesty, Her Heirs and Successors, to present to every such Benefice, for that One Time or Turn only. 5

Not to affect
Presenta-
tions made
previous to
the passing
of this Act.

II. Provided, That nothing herein contained shall affect any Procurement or Purchase of, or any Agreement to procure or purchase, any such next Presentation as aforesaid, or any Presentation made in virtue thereof, in any Case in which such Procurement, Purchase, Agreement, 10 or Presentation shall have been made or contracted to be made for valuable Consideration paid or given or contracted to be paid or given before the *passing of this Act*.

Simony Law Amendment Bill.

A

BILL

To amend the Law respecting Simony,
and to render illegal the Sale of the
next Presentation to any Ecclesiastical
Benefice.

(*Prepared and brought in by*
Mr. Robert Phillimore and Viscount Goderich.)

Ordered, by The House of Commons, to be Printed,
28 February 1854.

[Bill 9.]

Under 1 oz.

7 April 1854. 17 VICT.



A

B I L L

FOR

Enabling the Lords Commissioners of the Admiralty
to acquire the Spit of Sand called Spurn Point,
and to prevent Injury to the Navigation of the
Humber.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS it is expedient that the Lands at Spurn Point, at Preamble.
or near the Mouth of the River Humber, mentioned or refer-
red to in the Schedule to this Act, and all Rights, Privileges,
Franchises, and Easements in, over, or in connexion with the same or
5 accruing thereon, should be vested in the Commissioners of the Admi-
ralty, so that they may be in the exclusive Possession thereof, it being
desirable that Works should be executed by them for the Protection
of the said River and its Navigation: And whereas such Objects
cannot be effected without the Aid and Authority of Parliament: Be
10 it therefore enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

I. The several Provisions of "The Lands Clauses Consolidation Act, Incorporation of Lands
15 1845," shall, so far as the same may be applicable to and are not Clauses Con-
inconsistent with or modified by the Provisions of this Act, be incor- solidation
[Bill 68.] A + porated Acts.

Definition
of Terms.

porated with and form Part of and be applicable for the Purposes of this Act, and for the Purposes of this Act this Act shall be deemed the Special Act therein referred to; and the Words "Commissioners of the Admiralty," where used in this Act, shall mean Two or more of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland for the Time being; and the Commissioners of the Admiralty shall be and be deemed to be the Promoters of the Undertaking; and the Lands and Hereditaments hereby authorized to be purchased shall for the Purposes of this Act be deemed to be situate and arising in the East Riding of the County of York.

Power for
the Admi-
ralty to pur-
chase Lands
in Schedule.

II. It shall be lawful for the Commissioners of the Admiralty, and they are hereby authorized and empowered, if they think fit, subject to the Provisions herein and in "the Lands Clauses Consolidation Act, 1845," contained, to purchase, at any Time or Times within Three Years from the passing of this Act, all or any of the Lands mentioned or referred to in the Schedule to this Act, and all or any of the Rights, Royalties, Liberties, Privileges, Franchises, and Easements in, under, over, or upon or accruing in respect of the same or in connexion therewith, and all Estates and Interests therein, and all such Lands and Hereditaments, when purchased, or so much thereof as shall be purchased by them, shall be vested in the Commissioners of the Admiralty, their Successors in Office, and Assigns for ever, in trust for Her Majesty, Her Heirs and Successors, for the Public Service; and the said Commissioners are hereby authorized to construct such Works on the said Lands, and therefrom, or otherwise use the same as they may at any Time or Times deem expedient.

Prohibiting
the Removal
of Shingle,
&c. without
Consent of
Admiralty.

III. It shall not be lawful for any Person whomsoever to remove, alter, or injure any Work now or hereafter to be constructed on such Lands or Foreshore hereby authorized to be purchased, or to remove, or to assist in removing from such Lands or Foreshore or any Part thereof, or from the Foreshore between the Great Pit Marsh of Kilnsea and Kilnsea Beacon, any Rock, Stones, Chalk, Shingle, Ballast, Clay, Sand, or any Material whatsoever, without the previous Consent of the Commissioners of the Admiralty, signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner, and in such Quantities, and at or within such Times and at such Places, as the said Commissioners may direct; and if any Person shall remove, alter, or injure any such Work, or shall remove or assist in removing any such Rock, Stones, Chalk, Shingle, Ballast, Clay, Sand, or any Material whatsoever, as aforesaid, contrary to the Provisions of this Act, he shall for every such Offence forfeit and pay the Sum of Ten Pounds,

Penalty, and
how recover-
able.

Pounds, which shall be summarily recoverable from him by Proceedings before any Justice or Justices of the Peace acting for the County, Riding, Division, City, Town, County of a Town, or Place where the Offender at any Time may happen to be or may be brought; and *One*
5 *Moiety* of such Penalty shall be paid to the Informer, and the *other* Application thereof.
Moiety thereof shall be paid to such Person as the Commissioners of the Admiralty may at any Time or Times appoint, any Law, Statute, Custom, or Usage to the contrary notwithstanding; and it shall be lawful for any Constable or Peace Officer, or any Person whomsoever,
10 with or without any Warrant or other Process from any Justice or Justices of the Peace, to apprehend any Person offending or who may Apprehension of Offender.
have offended against the Provisions of this Act, and to bring him or cause him to be brought before any Justice or Justices of the Peace, for the Purpose of having the Offender summarily convicted of the
15 same; and every such Penalty may be recovered at any Period within *Two* Years from the Time when the Matter of Complaint or Information arose.

IV. Nothing in this Act contained or by this Act to be implied shall extend to alienate, defeat, vary, lessen, abrogate, or prejudice
20 any Estate, Right, Title, Interest, Prerogative, Royalty, Franchise, Jurisdiction, or Authority of or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, nor to abridge, vary, or abrogate any of the Powers or Authorities by Law vested in the Lord High Admiral, or in the Commissioners of the Admiralty, or
25 in the Commissioner for the Time being of Her Majesty's Works and Public Buildings, or in the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, in relation to the Possessions and Land and other Revenues of Her Majesty, in right of Her Crown or otherwise howsoever.

The SCHEDULE to which the foregoing Act refers.

All that Piece or Parcel of Land called or known as Spurn Point, and the Foreshores thereof, at or near the Mouth of the River Humber, being of an average Length of Five thousand four hundred Yards, more or less, and of an average Breadth of Nine hundred Yards, more or less, bounded on the Northward by a straight Line crossing the Neck of Land immediately North of the Great Marsh Pit at Kilnsea, such straight Line terminating at High-water Mark at ordinary Spring Tides at its Western End on the Humber Shore of the Spurn, and at its Eastern End at Low-water Mark at ordinary Spring Tides on the Shore of the North Sea; from the East End of the North Boundary Line above described bounded on the East Southward by the Line of such Low-water Mark to Spurn Point, and thence by the same Line of Low-water Mark North and North-eastward to a Point at Low-water Mark at ordinary Spring Tides, opposite the Life-boatmen's Houses on the Humber Shore of the Spurn; thence by a Line running between High and Low Water Marks until it reaches to the first-mentioned Point at High-water Mark aforesaid; which Piece or Parcel of Land is delineated on a Plan deposited at the Admiralty Office at Whitehall, signed by the Secretary to the Admiralty, and thereon bounded and marked by a red dotted Line.

Spurn Point.

A

B I L L

For enabling the Lords Commissioners of the Admiralty to acquire the Spit of Sand called Spurn Point, and to prevent Injury to the Navigation of the Humber.

(Prepared and brought in by
Mr. Cooper and Mr. Osborne.)

Ordered, by The House of Commons, to be Printed,
7 April 1854.

[Bill 68.] +

Under 1 oz.



(Ireland.)

A

B I L L

TO

Continue and amend the Acts for the better Prevention of the Sale of Spirits by unlicensed Persons in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS an Act was passed in the Session holden in the Second and Third Years of Her Majesty, intituled “An Act for the better Prevention of the Sale of Spirits by unlicensed Persons in Ireland,” and certain of the Provisions therein
 5 were temporary and have been continued to the Twenty-fourth Day of August One thousand eight hundred and fifty-four: And whereas it is expedient to make further Provision for the better Prevention of the Sale of Spirits by unlicensed Persons in Ireland: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the
 10 Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act shall commence from the *Twenty-fourth Day of August One thousand eight hundred and fifty-four*; and from that Day so
 15 much of the said Act of the Second and Third Years of Her Majesty as shall not have expired shall be repealed.

II. It shall and may be lawful for any One or more Justice or Justices of the Peace, whether in or out of Petty Sessions, upon being satisfied by the personal Examination on Oath of a credible Witness that there
 20 is reasonable Ground for suspecting that Spirits are sold, kept, or exposed for Sale in any House or Place within the County not licensed

[Bill 198.]

A

for

Preamble.
 2 & 3 Vict.
 c. 79.

Commence-
 ment of Act.
 2 & 3 Vict.
 c. 79.
 repealed.

Justices to
 grant War-
 rant for the
 Seizure of
 Spirits found
 in Places not
 being
 licensed.

for the Sale thereof, or by some Person not having a Licence to sell Spirits in or at such House or Place, or that illicit Spirits are kept in or at any House or Place, to grant a Warrant under his or their Hand or Hands, authorizing within the Police District of Dublin Metropolis any Superintendent or Inspector of Police, or in any other 5 Part of Ireland any Sub-Inspector, Head or other Constable of Constabulary with his Assistants, respectively, to enter such House or Place at all Times to search for Spirits, and if any Spirits shall be found in such House or Place exceeding One Gallon, without a Permit or other legal Authority justifying the keeping thereof, or any Spirits 10 in any Quantity whatsoever, the full Duties whereon shall not have been duly paid, shall be found in such House or Place, to seize such Spirits together with the Vessel in which the same are contained; and such Warrant shall continue in force for *One Month* from the Date thereof, and shall be a sufficient Authority to the Superintendent, In- 15 spector, Sub-Inspector, Head or other Constable therein named, and his Assistants respectively, in his Presence to enter into such House or Place and seize all such Spirits as aforesaid and the Vessel containing the same, and to carry away and deliver the same to some Revenue Officer; and the Person on whose Premises such Spirits shall 20 be found as aforesaid shall on Conviction be liable—

For the First Offence to a Fine not exceeding *Five Pounds* nor less than *Two Pounds*, or to be imprisoned with or without Hard Labour for any Term not exceeding *Three Months* nor less than *One Month* : 25

And for the Second and every subsequent Offence, to a Fine not exceeding *Ten Pounds* nor less than *Five Pounds*, or to be imprisoned with or without Hard Labour for any Term not exceeding *Six Months* nor less than *Three Months* :

And all such Spirits and the Vessels containing the same so seized 30 as aforesaid shall be forfeited.

Penalty on
Persons sell-
ing Spirits,
&c. without
Licence.

III. Every Person not being duly licensed to sell Wine, Spirits, Beer, Ale, Cider, or Perry, who shall sell, or keep or expose for Sale any Wine, Spirits, Beer, Ale, Cider, or Perry, shall for every such Offence be liable— 35

For the First Offence to a Fine not exceeding *Two Pounds* nor less than Five Shillings, or to be imprisoned with or without Hard Labour for any Term not exceeding *One Month* nor less than *One Week* :

And for the Second and every subsequent Offence, to a Fine not 40 exceeding *Five Pounds* nor less than *Twenty Shillings*, or to be imprisoned with or without Hard Labour for any Term not exceeding *Three Months* nor less than *One Month* :

And for the Purpose of any such Conviction it shall be sufficient to prove that Wine, Spirits, Beer, Ale, Cider, or Perry was kept or ex- 45 posed for Sale by such Person or on his Premises, or had been illegally consumed on such Premises at any Time within Two Months preceding such alleged Offence; and if any Person be found drunk in such

such House, or having the Appearance of having been recently drinking, it shall be deemed Evidence of his having been drinking in such House and of the unlawful Consumption of Wine, Spirits, Beer, Ale, Cider, or Perry, unless the contrary be proved.

- 5 IV. If any Superintendent or Inspector of the Dublin Metropolitan Police, or any Sub-Inspector, Head or other Constable of Constabulary, or other credible Witness, shall make Oath in Writing before a Justice of the Peace, that the said Superintendent, Inspector, Sub-Inspector, Head or other Constable, or credible Witness has good
 10 reason to believe that Wine, Spirits, Beer, Ale, Cider, or Perry are retailed or sold without a Licence, or kept for Sale without Licence, in any Room, House, or other Place, it shall be lawful for such Justice to grant a Warrant authorizing, within the Police District of Dublin Metropolis, any Superintendent or Inspector of Police, and in any
 15 other Part of Ireland any Sub-Inspector, Head or other Constable of Constabulary, to enter into any such Room, House, or other Places as aforesaid at all Times, and such Warrant shall continue in force for *One Month* from the Date thereof; and if any Person shall be found to be gambling therein, or to be or to have recently been
 20 drinking or tippling on such unlicensed Premises, such Person may be summoned before the Justices of the Peace in Petty Sessions, or may be lawfully apprehended and brought, so soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law, and upon Conviction of his having been found so gambling in such
 25 unlicensed Premises, or of his having been so drinking or tippling therein, shall be liable—

Justices empowered to grant Warrant for entering unlicensed Premises; and Penalty on Persons found therein.

- For the First Offence to a Fine not exceeding *Five Shillings*, or to be imprisoned with or without Hard Labour for any Time not exceeding *Twenty-four* Hours nor less than *Twelve* Hours from
 30 the Time of his Conviction :

- And for the Second and every subsequent Offence to a Fine not exceeding *Ten Shillings* nor less than *Five Shillings*, or to be imprisoned as aforesaid for any Time not exceeding *One Week* nor less than *Three* Days :

- 35 And in all Cases where such Person shall be found drinking, or having the Appearance of having been recently drinking or tippling in such unlicensed Premises, it shall be lawful for any such Superintendent, Inspector, Sub-Inspector, Head or other Constable, to seize any Quantity of Wine, Spirits, Beer, Ale, Cider, or Perry, found on such
 40 Premises, together with the Vessel containing the same, and all Vessels, Jugs, or Glasses used in the Sale or Consumption thereof, and on Conviction of any such Person so found as aforesaid, such Spirits, Wine, Beer, Ale, Cider, or Perry, Vessels, Jugs, and Glasses so seized shall be forfeited and shall be delivered to some Revenue Officer.

- 45 V. If any Person occupying any Premises, or any Person aiding or assisting such Occupier, on Demand made of Entrance by any Justice
 [198.] A 2 of

Penalty on Persons delaying to

admit Justice, &c.

of the Peace, or Superintendent, Inspector of Police, County Inspector or Sub-Inspector, Head or other Constable respectively, and on his stating that he seeks to enter by virtue of his Office as a Justice of the Peace, or by the Authority of a Warrant from a Justice of the Peace (which Warrant he shall produce when required so to do), shall delay 5 or refuse to admit such Superintendent, Inspector, Sub-Inspector, Head or other Constable into such Premises for the Purpose of executing such Warrant as aforesaid, such Person shall forfeit and pay a Sum not exceeding the Sum of *Two Pounds* nor less than *Ten Shillings*, or be imprisoned for any Term not exceeding *One* 10 *Fortnight* nor less than *One Week*, unless Proof shall be made to the Satisfaction of the Justice or Justices who may hear the Complaint that there was reasonable Cause for giving such Delay or Refusal: Provided always, that for the Purpose of such Conviction as last aforesaid, Proof to the Satisfaction of the Justice who may 15 hear the Complaint that Spirits were sold or kept or exposed for Sale in such Room, House, or Place where such Person was so found therein shall be sufficient Evidence that no Licence then existed for selling Spirits, unless the contrary be proved.

Illicit Distillation.

VI. Every Person who shall commit any Breach of any Act or 20 Acts relating to illicit Distillation in Ireland shall be liable—

For the First Offence to a Fine not exceeding *Five Pounds* nor less than *Two Pounds*, or to be imprisoned with or without Hard Labour for any Term not exceeding *Three Months* nor less than *One Month* : 25

And for the Second and every subsequent Offence to a Fine not exceeding *Ten Pounds* nor less than *Five Pounds*, or to be imprisoned as aforesaid for any Term not exceeding *Six Months* nor less than *Three Months*.

Constabulary to stop Spirits in transitu and demand and date Permits.

VII. It shall and may be lawful for any County Inspector, Sub- 30 Inspector, Head or other Constable of Constabulary to demand from any Person having in his Custody or Possession any Spirits in any Quantity whatsoever exceeding One Gallon a proper Permit or Certificate authorizing the Removal of such Spirits, and on the Production of any such Permit or Certificate to endorse the same 35 with his own Name, together with the Place, Date, and Time of such Endorsement; and in case no Permit or Certificate should be produced, or any Permit the Limitation of which shall have expired, it shall be lawful for such County Inspector, Sub-Inspector, Head or other Constable to seize such Spirits, together with the Vessel 40 containing the same, and the Horse or other Cattle, and Cart or other Carriage, used in the Removal thereof, and to arrest the Person in whose Possession or Custody the same shall have been found, and to convey him, as soon as conveniently may be, before a Justice of the Peace to be dealt with as in Cases of immediate Arrest provided for 45 by the Act of the Session holden in the First and Second Years of King William the Fourth, Chapter Fifty-five; and the Person in whose

5 For the First Offence to a Penalty not exceeding *Five Pounds* nor less than *Twenty Shillings*, or to be imprisoned with or without Hard Labour for a Term not exceeding *Three Months* nor less than *One Month* :

10 exceeding *Ten Pounds* nor less than *Forty Shillings*, or to be imprisoned as aforesaid for a Term not exceeding *Six Months* nor less than *Two Months*.

VIII. Nothing herein contained shall extend to prohibit any Person or Persons duly licensed under any Act or Acts relating to the Excise Laws in Ireland to carry on his Trade or Business, for which he shall be so licensed as aforesaid, in Booths, Tents, or other Places, at the Time and Place and within the Limits of holding any lawful and accustomed Fair, or at any public Races, or shall authorize the Seizure of Wine, Spirits, Beer, Ale, Cider, or Perry in any such Booth, Tent, or other Place, within the Limits aforesaid, in which such Person so licensed shall so carry on his Trade, or the taking or apprehending of any Person therein at any Time or Hour during which the Sale of Spirits is not prohibited by Law.

IX. All Proceedings under this Act shall be conducted, and all Proceedings
25 Penalties imposed and Costs awarded under this Act, shall be sued to be had
for, levied, and recovered, and any Conviction under this Act shall under the
be appealed from, as by the "Petty Sessions (Ireland) Act, 1851," Petty Ses-
sions Act,
is directed, provided, and enacted, except where otherwise specially 1851.
provided for in this Act, anything in any former Act or Acts to the
30 contrary notwithstanding.

X. From and after the Commencement of this Act every Person who shall apply for a Certificate to obtain an Excise Licence, under or by the Authority of any Act or Acts, for the Sale of Wine, Spirits, Beer, Ale, Cider, or Perry, by retail in Ireland, to be drank or consumed on the Premises or elsewhere, shall, *Twenty-one Days* at least before the Quarter Sessions at which such Application is intended to be made, give Notice in Writing to the Sub-Inspector of the District in which he resides, or in his Absence to the Head Constable, stating the Intention of such Person to make such Application, and setting forth his Place of Residence, the Situation and Place of the House where such Wines, Spirits, Beer, Ale, Cider, or Perry are to be sold, and the Names and Places of Abode of the Persons whom such Person requiring such Certificate proposes as Sureties.

XI. The Sub-Inspector of the District, or in his Absence the
 45 Head Constable, shall be authorized to object to such Certificate
 [198.] A 3 before

Constabulary Officer may object

to the Issue
of Certifi-
cate.

before the Justices at the Quarter Sessions, and the Justices shall proceed to consider, examine on Oath into, and adjudicate upon the Truth, Sufficiency, and Validity of such Objection ; and it shall be lawful to require the Applicant to answer whether he belongs to any unlawful Society or not, but any Admission by such Applicant is not to be 5 used in Evidence in any Prosecution against the Party making it ; and if such Justices shall be satisfied of the Truth and Sufficiency of such Objection, they may prohibit such Certificate to be issued, in like Manner as they are authorized to do according to Law.

Excise Offi-
cer not to
grant a Re-
newal Li-
cence with-
out Consta-
bulary Cer-
tificate.

XII. From and after the Commencement of this Act it shall not be 10 lawful for any Officer of Excise in Ireland to grant a Renewal of any such Licence as aforesaid to any Person applying for such Renewal at and for the same House as shall have been licensed in the Year last immediately preceding, and whose Licence shall not have been withdrawn or annulled, without such Person producing a Certificate 15 signed with the Approval of One or more Justices of the Peace by the Sub Inspector of the District, or in his Absence by the Head Constable, to the good Character of such Person and to the peaceable and orderly Manner in which such House had been conducted in the past Year. 20

Right of
Entry under
the Act 8 & 9
Vict. c. 64.
Definition of
Terms
"House or
Place."

XIII. And whereas by the Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter Sixty-four, intituled "An Act to amend certain Regulations respecting the Retail of Spirits in Ireland," Power is given to any Justice of the Peace, or any Chief or other Constable or Overseer within the Limits 25 of his Jurisdiction, to enter into any House or Place kept open for the Sale of Spirits to be consumed elsewhere than in such House or Place, and whereas Doubts have arisen as to whether the Right of Entry extends to every Part of such House or Place, or only to the particular Part entered as licensed for such Sale of Spirits in the 30 Books of the Inland Revenue Department :

From and after the Commencement of this Act, the Words "Chief or other Constable" shall be construed to mean and include any County Inspector, Sub-inspector, Head or other Constable of Constabulary, or any Superintendent, Inspector or Constable of the Dublin Metro- 35 politan Police ; and the Words "House or Place" in this and the aforesaid Act, or any other Act or Acts relating to the Sale of Spirits, Wine, Beer, Ale, Cider, or Perry in Ireland, shall be construed to mean and to extend to every Room, Closet, Cellar, Yard, Stable, Outhouse, Shed, or any other Place whatsoever, of, belonging, or in 40 any Manner appertaining to such House or Place ; and whatever particular Part of such House or Place shall be entered in the said Books of the said Inland Revenue Department as licensed under the said Act of the Eighth and Ninth Year of Her Majesty, or any other Acts relating to the Sale of Spirits, Wine, Beer, Ale, Cider, or Perry, 45 as aforesaid, shall be construed to mean and include every Room, Closet,

Definition of
Entry in
Books of
Ireland
Revenue
Department.

Closet, Cellar, Yard, Stable, Outhouse, Shed, or any other Place whatsoever belonging to such House or Place.

- XIV. And for the better Prevention and Suppression of Offences against the Laws relating to illicit Distillation in Ireland: From
 5 and after the *passing of this Act* it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of Ireland by and with the Advice of the Privy Council of Ireland, to declare by Proclamation from Time to Time, when and as often as Occasion shall require, that any County, or County of a City,
 10 or County of a Town in Ireland, or any One or more Barony or Baronies or Half Barony or Half Baronies in such County at large, or any Part or Parts or District or Districts of any such County or County of a City or County of a Town respectively, to be specified in such Proclamation, is or are in such State, with respect to the Prevalence of Offences against any Laws for the Prevention and Suppression
 15 of illicit Distillation and Malting, as to require extraordinary Means for the Suppression thereof; and thereupon it shall and may be lawful for such County Inspector, Sub-Inspector, Head or other Constable within any such County, County of a City, or County of a Town, or in
 20 any One or more Barony or Baronies or Half Barony or Half Baronies in such County at large, or any Part or Parts or District or Districts of any such County or County of a City or County of a Town named in such Proclamation, to exercise all the Powers and Authorities and to have and possess all the Privileges granted to Officers of Excise by
 25 an Act passed in the First and Second Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in Ireland," in searching for private Stills, Wort, Wash, Potale Low Wines or Singlings, or Spirits, and Corn and Grain
 30 making into Malt, and in arresting and detecting Persons discovered in the Place where private Distillation of Spirits or making of Malt is carrying on, as fully and effectually as if the Clauses in the said Act had been repealed and re-enacted in the Body of this Act, and made to apply to such County Inspector, Sub-Inspector, Head, or other
 35 Constable as aforesaid.

Lord Lieutenant may declare that illicit Distillation is prevalent in a County or Part of a County and thereupon Constabulary may act in the Suppression thereof.

- XV. Provided always, That no such Proclamation as aforesaid shall be issued after the Expiration of *Three Years* from the passing of this Act, nor shall any such Proclamation continue in force after the Expiration of the said Term of *Three Years*, and it shall be lawful for
 40 the Lord Lieutenant or other Chief Governor of Ireland at any Time within the said Term of *Three Years* by Proclamation to revoke any such Proclamation as aforesaid for the Time being in force; and from and after such Revocation such County Inspector, Sub-Inspector, Head or other Constable as aforesaid shall cease to exercise and possess such
 45 Powers, Authorities, and Privileges as aforesaid.

Duration of last foregoing Enactment.

Regulations
to be made
for the Gui-
dance of the
Constabulary
in the pro-
claimed Dis-
tricts.

XVI. And it shall and may be lawful for the Inspector General of the Constabulary Force of Ireland, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of Ireland, from Time to Time to frame Rules and Regulations for the Guidance of the said Constabulary Force in the Prevention or Suppression of 5 illicit Distillation in such proclaimed Districts as aforesaid, and for the making of Returns to the Lord Lieutenant or other Governors of Ireland of all Seizures whatsoever made, and of the Apprehension of Offenders by any County Inspector, Sub-Inspector, Head or other Constable of the said Constabulary Force, under the Authority of any 10 Proclamation under this Act, and also of all other Measures taken for or towards the Prevention or Suppression of illicit Distillation, under the Authority of such Proclamation.

Disposal of
Seizures.

XVII. All Seizures made under the Provisions of this Act by the said Inspector, or Superintendent of Police, or by any County 15 Inspectors, Sub-Inspectors, Head or other Constables, shall be, as soon as conveniently may be, delivered over to the Officer or Supervisor of Excise nearest to the Place where such Seizure shall have been made, to be dealt with as is directed by the said Act of the First and Second Years of the Reign of His late Majesty King William the Fourth 20 for the Suppression of illicit Distillation in Ireland.

(Ireland).

A

B I L L

To continue to amend the Acts for the better Prevention of the Sale of Spirits by unlicensed Persons in Ireland.

(Prepared and brought in by
Sir John Young and Mr. Wilson.)

*Ordered, by The House of Commons, to be Printed,
July 10, 1854.*

[Bill 198.]

Under 1 oz.

Spirits.

LORDS AMENDMENTS

TO THE

SPIRITS (IRELAND) BILL.

Page 2. Line 22. After (“ respectively ”) insert (“ such Assistants being Members of the Constabulary Force ”)

Page 3. Line 17. After (“ Inspector ”) insert (“ Serjeant ”)

Line 23. Leave out (“ or ”) and in the same Line after (“ Inspector ”) insert (“ or Serjeant ”)

Line 28 and Line 29. Leave out (“ gambling therein or to be ”)

Line 31. After (“ Peace ”) insert (“ in Petty Sessions ”)

Line 32 and Line 33. Leave out (“ in Petty Sessions ”) and insert (“ as the Case may be ”)

Line 35 and Line 36. Leave out (“ found so gambling in such unlicensed Premises or of his having been ”)

Line 37. Leave out (“ therein ”) and insert (“ on such unlicensed Premises ”)

Line 38. After (“ Shillings ”) insert (“ nor less than Two Shillings and Sixpence ”)

Page 4. Line 4. After (“ Inspector ”) insert (“ Serjeant ”)

Line 15. Leave out (“ County Inspector or ”)

Line 20. After (“ Inspector ”) insert (“ Serjeant ”)

Page 5. Line 5. Leave out from (“ with ”) to (“ and ”) in Line 7 and insert (“ as herein directed ”)

Line 10. Leave out from (“ liable ”) to (“ For ”) in Line 12.

Page 6. Line 13. After (“ be ”) insert (“ and is hereby ”)

Line 14. After (“ Sessions ”) insert (“ or Recorder as (the case may be) ”)

Line 15. After (“ Justices ”) insert (“ or Recorder ”)

Line 20. After (“ Justices ”) insert (“ or Recorder ”)

Page 7. Line 26 and Line 27. Leave out (“ it shall and may be lawful to and for ”) and insert (“ whenever and from Time to Time as often as ”)

Line 28. Leave out from (“ Ireland ”) to (“ it ”) in Line 37 and insert (“ shall see fit so to order and direct ”)

Line 38. Leave out (“ such ”) and insert (“ the ”)

Line 39. Leave out (“ such ”)

Line 43. Leave out (“ such Proclamation ”) and insert (“ any Order issued in that behalf ”)

Page 8. Line 12. Leave out ("Proclamation") and insert ("Order")

Line 14. Leave out ("Proclamation") and insert ("Order")

Line 17. Leave out ("by Proclamation")

Line 18. Leave out ("Proclamation") and insert ("Order")

Line 28. Leave out ("proclaimed")

Line 32 and Line 33. Leave out ("under the Authority of any Proclamation under this Act")

Line 35. Leave out ("Proclamation"), and insert ("Orders as aforesaid"), and also insert Clause A.

"CLAUSE A.—A Copy of all Rules, Regulations, or Orders which may be made by the Inspector General of Constabulary for the Guidance of the said Constabulary Force, to carry into effect the Provisions of this Act, shall be laid before Parliament within Six Weeks from the Date of the Issue thereof, if Parliament be then sitting, or if not then sitting, within Six Weeks from the Day of the next ensuing Meeting of Parliament."

Page 8. Line 37. After ("Superintendent") insert ("or Serjeant")

In the Title to the Bill:

Line 4. Leave out ("continue and"), and in the same Line leave out ("Acts") and insert ("Laws")

Line 6. After ("Persons") insert ("and for the Suppression of illicit Distillation")

LORDS AMENDMENTS

TO THE

SPIRITS (IRELAND) BILL.

*Ordered, by The House of Commons, to be Printed,
3 August 1854.*

[Bill 268.]

Under 1 c.



A

B I L L

TO

Amend the Laws relating to the Stamp Duties.

[Note.—The Words and Figures printed in *Italics* are proposed to be inserted in Committee.]

- W**HEREAS it is expedient to repeal the Stamp Duties now Preamble.
payable in respect of the Bills of Exchange and Promissory
Notes mentioned or described in the Schedule to this Act
annexed, and to impose other Stamp Duties in lieu thereof, and other-
wise to amend the Laws relating to Stamp Duties: Be it therefore
enacted by the Queen's most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows :
- 10 I. From and after the *Tenth Day of August One thousand eight* Stamp Du-
hundred and fifty-four the Stamp Duties now payable in Great ties on In-
Britain and Ireland respectively, under or by virtue of any Act or struments in
Acts of Parliament for or in respect of the several Bills of Exchange the Schedule
and Promissory Notes mentioned or described in the Schedule to this annexed re-
15 Act annexed, and whereon other Duties are by this Act granted, shall pealed and
respectively cease and determine, and shall be and the same are hereby others grant-
repealed ; and in lieu thereof there shall be granted, charged, and paid ed in lieu
in and throughout the United Kingdom of Great Britain and Ireland, thereof.
unto and for the Use of Her Majesty, Her Heirs and Successors, upon
20 and in respect of the several Bills of Exchange and Promissory Notes
[Bill 113.] A described

described or mentioned in the said Schedule, or upon or in respect of the Vellum, Parchment, or Paper upon which any of them, respectively shall be written, the several Duties or Sums of Money specified and set forth in the said Schedule, which said Schedule, and the several Provisions, Regulations, and Directions therein contained, shall 5 be deemed and taken to be Part of this Act, and shall be applied, observed, and put in execution accordingly: Provided always, that nothing herein contained shall extend to repeal or alter any of the said Stamp Duties now payable in relation to any Bill of Exchange or Promissory Note which shall have been drawn, made, or signed, 10 or which shall bear Date before or upon the said *Tenth Day of August One thousand eight hundred and fifty-four.*

The new Duties to be denominated Stamp Duties, and to be under the Care of the Commissioners of Inland Revenue.

Powers and Provisions of former Acts to be in force.

II. The said Duties by this Act granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; 15 and all the Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts or any Schedule thereto, relating to any Duties of the same Kind or Description heretofore payable in Great Britain and Ireland respectively, and in force at the 20 Time of the passing of this Act, shall respectively be in full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, and Paper, Instruments, Matters, and Things charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, so far as the same are or shall be 25 applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise in relation thereto so far as the same shall not be superseded by and shall be consistent with the express Provisions 30 of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, mutatis mutandis, with reference to the said Duties by this Act granted.

Duties on Bills drawn out of the United Kingdom to be denoted by adhesive Stamps.

III. The Duties by this Act granted in respect of Bills of Exchange drawn out of the United Kingdom shall attach and be payable upon 35 all such Bills as shall be paid, indorsed, transferred, or otherwise negotiated within the United Kingdom wheresoever the same may be payable, and the said Duties shall be denoted by adhesive Stamps, to be provided by the Commissioners of Inland Revenue for that Purpose, and to be affixed to such Bills as herein-after directed. 40

The Holder of a Bill

IV. The Holder of any Bill of Exchange drawn out of the United Kingdom, and not having a proper adhesive Stamp affixed thereon as 42 herein

- herein directed, shall, before he shall present the same for Payment, or indorse, transfer, or in any Manner negotiate such Bill, affix thereon a proper adhesive Stamp for denoting the Duty by this Act charged on such Bill; and the Person who shall indorse, transfer, or negotiate
- 5 such Bill shall, before he shall deliver the same out of his Hands, Custody, or Power, cancel the Stamp so affixed by writing thereon his Name or the Name of his Firm and the Date of the Day and Year on which he shall so write the same, to the end that such Stamp may not be again used for any other Purpose; and if any Person shall pre-
- 10 sent for Payment, or shall pay or indorse, transfer or negotiate any such Bill as aforesaid whereon there shall not be such adhesive Stamp as aforesaid duly affixed, or if any Person who ought as directed by this Act to cancel such Stamp in manner aforesaid shall refuse or neglect so to do, such Person so offending in any such Case shall forfeit the
- 15 Sum of *Fifty Pounds*; and no Person who shall take or receive from any other Person any such Bill as aforesaid, either in Payment or as a Security, or by Purchase or otherwise, shall be entitled to recover thereon, or to make the same available for any Purpose whatever, unless at the Time when he shall so take or receive such Bill there
- 20 shall be such Stamp as aforesaid affixed thereon and cancelled in the Manner hereby directed.

drawn out of the United Kingdom to affix an adhesive Stamp thereon before negotiating it.

Penalty for negotiating such Bill without a Stamp affixed or neglecting to cancel such Stamp.

- V. If any Person shall within the United Kingdom draw and issue any Bill of Exchange payable out of the United Kingdom purporting to be drawn in a Set, and shall not draw and issue on Paper duly
- 25 stamped as required by Law the whole Number of Bills of which such Bill purports the Set to consist of, or if any Person shall within the United Kingdom transfer or negotiate any Bill of Exchange as aforesaid purporting to be drawn in a Set, and shall not at the same Time transfer and deliver on Paper duly stamped as aforesaid the whole
- 30 Number of Bills of which such Bill purports the Set to consist of, every such Person so offending in any of such Cases shall forfeit the Sum of *One hundred Pounds*; and if any Person shall take or receive in the United Kingdom any such Bill as aforesaid, either in Payment or as a Security or by Purchase or otherwise, without having delivered to
- 35 him duly stamped as aforesaid the whole Number of Bills of which such Bill purports the Set to consist of, he shall not be entitled to recover on any such Bill, or to make the same available for any Purpose whatever.

Penalty for drawing Bills purporting to be drawn in a Set and not drawing the whole Number of the Set.

- VI. And whereas, under and by virtue of certain Acts relating to
- 40 Stamp Duties, certain Drafts or Orders for the Payment of any Sum of Money to the Bearer on Demand, and drawn upon any Banker or Person acting as a Banker residing or transacting the Business of a Banker within Fifteen Miles of the Place where such Drafts or Orders

Unstamped Drafts on Bankers not to be circulated beyond Fifteen Miles

of the Bank-
er on whom
drawn.

Under Pe-
nalty.

are issued are exempted from all Stamp Duty, and it is expedient to prevent the negotiating or circulating of such Drafts or Orders unstamped at any Place beyond the Distance of Fifteen Miles from the Place where the same are made payable: Be it enacted, That no such Draft or Order as aforesaid shall, unless the same be duly stamped as 5 a Draft or Order, be remitted or sent to any Place beyond the Distance of Fifteen Miles from the Bank or Place at which the same is made payable or be received in Payment, or as a Security, or be otherwise negotiated or circulated at any Place beyond the said Distance; and if any Person shall remit or send any Draft or Order not duly 10 stamped as aforesaid to any Place beyond the Distance aforesaid, or shall receive the same in Payment or as a Security, or in any Manner negotiate or circulate the same at any such last-mentioned Place, he shall forfeit the Sum of *Fifty Pounds*.

17 G. 3. c. 30.
so far as it
extends to
Drafts on
Bankers re-
pealed.

VII. And whereas an Act was passed in the Seventeenth Year of 15 the Reign of King George the Third, Chapter Thirty, for restraining the Negotiation of Promissory Notes and Inland Bills of Exchange under a limited Sum: Be it enacted, That the said Act, and any Act or Acts continuing or perpetuating the same, shall, so far as they respectively extend or may be deemed or construed to extend to any 20 Draft on a Banker for Payment of Money held for the Use of the Drawer, be and the Same are hereby repealed.

Removing
doubts as to
the Extent
of the Stamp
Duty on Re-
ceipts.

VIII. And whereas by an Act passed in the last Session of Parlia- ment, Chapter Fifty-nine, a Stamp Duty of One Penny was granted and imposed upon any Receipt or Discharge given for or upon the 25 Payment of Money amounting to Two Pounds or upwards, and Doubts are entertained as to the Receipts to which the said Duty extends: Be it enacted, That the said last-mentioned Duty shall be deemed to extend to and be payable upon every Receipt or Acknowledgment given for any Sum of Money of the Amount aforesaid, whether such 30 Money shall be paid or received in discharge or on account of any Debt or legal Obligation or other Claim or Demand, or as a voluntary or gratuitous Gift, or under any other Circumstance whatever, subject nevertheless to the Exemptions from the said Duty expressly contained in the several Acts in force. 35

Exemption
from Receipt
Stamp Duty
by Letters
acknowledg-
ing Receipt
of Bills, &c.
repealed.

IX. And whereas under and by virtue of certain Acts relating to Stamp Duties, Letters by the General Post acknowledging the safe Arrival of any Bills of Exchange, Promissory Notes, or other Secu- rities for Money are exempted from the Stamp Duty granted and imposed on Receipts or Discharges given for or upon the Payment of 40 Money: Be it enacted, That the said Exemption shall be and the same is hereby repealed.

X. And

X. And whereas under and by virtue of the Laws in force the Stamp Duty on Receipts given for or upon the Payment of Money to or for the Use of Her Majesty, Her Heirs or Successors, is made payable by the Person requiring any such Receipt: Be it enacted, That all such Receipts as last mentioned shall be and the same are hereby exempted from Stamp Duty.

Receipts for Money paid to the Crown exempted from Stamp Duty.

XI. And whereas by an Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven, certain reduced Rates of Stamp Duty were granted and made payable under the respective Heads or Titles of "Conveyance, Duplicate, or Counterpart" and "Progressive Duty" in the Schedule to the said last-mentioned Act annexed; And whereas by an Act passed in the last Session of Parliament, Chapter Sixty-three, certain Stamp Duties were granted and made payable upon Conveyances, Charters, Dispositions, and Contracts described under the Head or Title of "Conveyance" in the Schedule to the said last-mentioned Act, but no Provision is made for charging the said Conveyances, Charters, Dispositions, and Contracts with the said progressive Duties, or for charging the Duplicates or Counterparts thereof with the said reduced Duties; and it is expedient to amend the said last-mentioned Act, and also to give such Relief as herein-after mentioned: Be it enacted, That the respective Stamp Duties granted and made payable under the several Heads or Titles of "Duplicate or Counterpart" and "Progressive Duty," in the Schedule annexed to the said Act of the Thirteenth and Fourteenth Years of Her Majesty, and the Provisions and Regulations relating thereto, shall be and the same are hereby respectively made payable upon and in respect of and deemed to apply to the several Conveyances, Charters, Dispositions, and Contracts described under the Head or Title of "Conveyance" in the Schedule to the said Act of the last Session of Parliament, Chapter Sixty-three, which shall be made after the passing of this Act, and any Duplicate or Counterpart thereof.

13 & 14 Vict. c. 97.

16 & 17 Vict. c. 63.

Stamp Duties on Duplicates and progressive Duties to be chargeable on Conveyances described in 16 & 17 Vict. c. 63.

XII. And for the Relief of Persons who before the passing of this Act have made any Duplicate or Counterpart of any such Conveyance, Charter, Disposition, or Contract as aforesaid it shall be lawful for the Commissioners of Inland Revenue and they are hereby required, upon Production to them of any such Conveyance, Charter, Disposition, or Contract, and of the Duplicate or Counterpart thereof, bearing respectively Stamps denoting the Amount of Stamp Duty chargeable upon the like Deed or Instrument and Duplicate or Counterpart made after the passing of this Act, to stamp the said Duplicate or Counterpart with the particular Stamp directed by the said Act of the Thirteenth and Fourteenth Years of Her Majesty to be impressed upon a Dupli-

Relief to Persons who have made Duplicates of such Conveyances before the passing of this Act.

cate or Counterpart for denoting or testifying the Payment of the full and proper Stamp Duty on the original Deed or Instrument, and if the said Duplicate or Counterpart shall be stamped with any greater Amount of Stamp Duty than the Amount so chargeable as aforesaid the said Commissioners shall allow and repay such Excess of Stamp 5 Duty, and rectify the Stamps accordingly, and thereupon such Duplicate or Counterpart shall be deemed to be duly stamped.

The Duty on Conveyances for annual Sums payable for Lives to be calculated on the gross Value.

XIII. And where any such Conveyance, Charter, Disposition, or Contract as aforesaid shall be made in consideration of any annual Sum payable for the Life of any Person or for any Period determinable upon 10 Death or any indefinite Period as herein-after mentioned, the gross Value of such annual Sum calculated according to the respective Tables and Rules in the Schedule annexed to the Act of the last Session of Parliament, Chapter Fifty-one, in any Case where such Tables and Rules are applicable, shall be deemed to be the Purchase or Consideration 15 Money, and such Deed or Instrument shall be chargeable in respect thereof as a Conveyance upon the Sale of Property with the ad valorem Duty granted and imposed by the before-mentioned Act of the Thirteenth and Fourteenth Years of Her Majesty in lieu of the Duty chargeable under the said Act of the last Session Chapter sixty three, 20 and where the annual Sum shall be payable for any Period determinable upon the Death or for any Life subject to any Event or Contingency which may determine the same, or for any indefinite Period not extending beyond a Life in being, the Value thereof shall be calculated as if such Sum were payable absolutely for the Life of the Person upon 25 whose Death the same may or must cease, and without regard to any such Event, Contingency, or Period respectively.

Deeds made for several valuable Considerations to be chargeable in respect of each.

XIV. And where any such Conveyance, Charter, Disposition, or Contract as aforesaid shall be made partly in consideration of such annual Sum as in the said Schedule to the said Act of the last Session, 30 Chapter Sixty-three, or this Act, is mentioned, and partly in consideration of a Sum of Money or Stock as mentioned under the Head or Title of "Conveyance" in the Schedule to the said Act of the Thirteenth and Fourteenth Years of Her Majesty, such Conveyance, Charter, Disposition, or Contract shall be chargeable with the ad valorem 35 Stamp Duties granted by the said Acts respectively in respect of each of the said Considerations; and in any Case where any Deed or Instrument which shall be chargeable with any ad valorem Stamp Duty in respect of any Sum of Money yearly or in gross or any Stock or Security therein mentioned shall be made also for any further or other 40 valuable Consideration, such Deed or Instrument shall be chargeable (except where express Provision to the contrary is or shall be made in any Act of Parliament) with such further Stamp Duty as any separate

rate Deed or Instrument made for such last-mentioned Consideration alone would be chargeable with except progressive Duty.

- XV. And to prevent Fraud and Evasion of Stamp Duty in any Case where Application is made to the Commissioners of Inland Revenue to assess and charge the Stamp Duty to which any Deed or Instrument is liable, or to impress on any Deed or Instrument the particular Stamp provided to denote the Payment of the full and proper Duty on the same or on any other Deed or Instrument; or that any Deed or Instrument is not liable to any Stamp Duty, it shall be lawful for the said Commissioners to require such Evidence by Affidavit as they may deem necessary in order to show to their Satisfaction the Quantity of Words contained in any such Deed or Instrument, and whether or not the Consideration, or any definite or certain Sum or Sums of Money, Stock, or other valuable Matter or Thing capable of being ascertained and set forth, or any other Facts, upon the full or proper Statement of any of which Matters and Things in such Deed or Instrument the Stamp Duty which shall be or which ought to be payable thereon shall in any Measure depend is truly and fully set forth therein; and it shall be lawful for the said Commissioners and their Officers in any Case to refuse to impress on any such Deed or Instrument, or any Duplicate or Counterpart respectively, the particular Stamp to denote the Payment of the full and proper Duty as aforesaid, except on Payment of the full Stamp Duty which would be chargeable on such Deed or Instrument if all or any of such Matters and Things aforesaid had been truly set forth therein.

The Commissioners, before assessing the Duty upon any Deed, may require Proof that the Facts upon which the Duty depends are truly stated.

- XVI. Provided, That no such Affidavit shall be used against any Person making the same in any Proceeding whatever, except only in any Inquiry as to the Stamp Duty with which such Deed or Instrument is chargeable, and every such Person shall, upon Payment of such full Stamp Duty as aforesaid, be relieved from any Penalty, Forfeiture, or Disability he may have incurred by reason of the Omission to state truly in such Deed or Instrument any of the Facts, Matters, and Things aforesaid.

The Affidavit not to be used for any other Purpose.

- XVII. And whereas it is expedient to reduce the Stamp Duty now payable on Licences to Pawnbrokers in Dublin: Be it enacted, That the Stamp Duty of Fifteen Pounds now payable on a Licence to be taken out yearly for exercising the Trade or Business of a Pawnbroker within the City of Dublin, or the Circular Road surrounding the same, shall be reduced to the Sum of Seven Pounds Ten Shillings.

Stamp Duty on Licences to Pawnbrokers in Dublin reduced.

Contracts to serve as Artificers, Servants, and Labourers in the Colonies exempted from Stamp Duty.

XVIII. All Indentures of Apprenticeship, Bonds, Contracts, and Agreements whereby any Person shall become bound, contract, or engage in the United Kingdom to serve any Employer in any of Her Majesty's Colonies or Possessions abroad as an Artificer, Clerk, domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or Labourer shall be and the same are hereby exempted from all Stamp Duty. 5

Allowance on the Purchase of Stamps not exceeding the Rate of 1s. Duty for Drafts, Bills, and Notes.

XIX. And in order to encourage the Purchase of Stamps for Drafts, Bills, and Notes of the several Rates and Denominations herein-after mentioned, and to facilitate the Distribution and Supply thereof, there shall be granted and allowed to every Person who at One and the same Time shall produce at the Office of the Commissioners of Inland Revenue in London or Dublin, Paper, to be stamped with such Stamps or any of them to the Amount of *Five Pounds* in the whole, or shall purchase such Stamps or any of them to the like Amount at the Office of the said Commissioners in London, Edinburgh, or Dublin, or of any Distributor or Sub-distributor of Stamps at any Place not within the Distance of Ten Miles from the said Offices respectively, the Allowance following; (that is to say,) on Stamps for denoting any Rate of Duty not exceeding *One Shilling* on Bills of Exchange, Drafts, or Orders, or Promissory Notes; an Allowance after the Rate of Seven and a Half per Centum on the Amount of such Stamp Duties respectively; provided that no Allowance shall be made on any Fraction of a Pound; which said Allowances are in lieu of any Allowance payable on Stamps of the like Rates and Denominations under any other Act or Acts in force. 15 20 25

No Charge. to be made for Paper on Sale of Bill or Note Stamps where the Rate of Duty does not exceed 1s.

XX. And in consideration that such Allowance as aforesaid is by this Act granted on the Purchase of Stamps of the several Rates and Denominations aforesaid, it shall not be lawful for any Person on the Sale of any such Stamp to make any Charge for the Paper whereon the same is impressed; and if any Person upon the Sale of any Stamp denoting any Rate of Duty not exceeding *One Shilling* for any Bill of Exchange, Draft or Order, or Promissory Note, shall make any Charge for the Paper whereon the same is impressed, or under any Colour or Pretence whatever demand or receive a greater Price or Sum than the Amount of the Stamp Duty, he shall forfeit the Sum of *Ten Pounds*. 30 35

The SCHEDULE to which this Act refers.

Inland Bill of Exchange, Draft, or Order for the Payment to the Bearer, or to Order, at any Time otherwise than on Demand, of any Sum of Money						Duty.			
						£	s.	d.	
Not exceeding				-	-	£ 25	0	0	3
Exceeding		£25	and not exceeding		-	50	0	0	6
"	50	"	"	"	-	75	0	0	9
"	75	"	"	"	-	100	0	1	0
"	100	"	"	"	-	200	0	2	0
"	200	"	"	"	-	300	0	3	0
"	300	"	"	"	-	400	0	4	0
"	400	"	"	"	-	500	0	5	0
"	500	"	"	"	-	750	0	7	6
"	750	"	"	"	-	1,000	0	10	0
"	1,000	"	"	"	-	1,500	0	15	0
"	1,500	"	"	"	-	2,000	1	0	0
"	2,000	"	"	"	-	3,000	1	10	0
"	3,000	"	"	"	-	4,000	2	0	0
"	4,000 and upwards	"	"	"	-		2	5	0
Foreign Bill of Exchange drawn in, but payable out of, the United Kingdom,									
If drawn singly or otherwise than in a Set of Three or more, the same Duty as on an Inland Bill of the same Amount and Tenor.									
If drawn in Sets of Three or more, for every Bill of each Set,									
Where the Sum payable thereby shall not exceed				£25		0	0	1	
And where it shall exceed £25 and not exceed				50		0	0	2	
"	50	"	"	75		0	0	3	
"	75	"	"	100		0	0	4	
"	100	"	"	200		0	0	8	
"	200	"	"	300		0	1	0	
"	300	"	"	400		0	1	4	
"	400	"	"	500		0	1	8	
"	500	"	"	750		0	2	6	
"	750	"	"	1,000		0	3	4	
"	1,000	"	"	1,500		0	5	0	
"	1,500	"	"	2,000		0	6	8	
"	2,000	"	"	3,000		0	10	0	
"	3,000	"	"	4,000		0	13	4	
"	4,000 and upwards	"	"	-		0	15	0	
Foreign Bill of Exchange drawn out of the United Kingdom, and payable within the United Kingdom, the same Duty as on an Inland Bill of the same Amount and Tenor.									

Foreign Bill of Exchange drawn out of the United Kingdom, and payable out of the United Kingdom, but indorsed or negotiated within the United Kingdom, the same Duty as on a Foreign Bill drawn within the United Kingdom, and payable out of the United Kingdom.

Promissory Note for the Payment in any other Manner than to the Bearer on demand of any Sum of Money,

Not exceeding	-	-	-	£25	0	0	3	
Exceeding	£25	-	-	and not exceeding	50	0	0	6
"	50	-	-	"	75	0	0	9
"	75	-	-	"	100	0	1	0

Promissory Note for the Payment, either to the Bearer on Demand or in any other Manner than to the Bearer on Demand, of any Sum of Money,

Exceeding	£100	-	and not exceeding	200	0	2	0
"	200	-	"	300	0	3	0
"	300	-	"	400	0	4	0
"	400	-	"	500	0	5	0
"	500	-	"	750	0	7	6
"	750	-	"	1,000	0	10	0
"	1,000	-	"	1,500	0	15	0
"	1,500	-	"	2,000	1	0	0
"	2,000	-	"	3,000	1	10	0
"	3,000	-	"	4,000	2	0	0
"	4,000 and upwards	-	-	-	2	5	0

Stamp Duties.

A

B I L L

To amend the Laws relating to the
Stamp Duties.

(Prepared and brought in by
Mr. Bouverie, Mr. Chancellor of the Exchequer,
and Mr. Wilson.)

Ordered, by The House of Commons, to be Printed,
26 May 1854.

[Bill 113.]

Under 2 oz.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Laws relating to the Stamp Duties.

[Note.—*The Clauses marked A. to I. were added in Committee.*]

WHEREAS it is expedient to repeal the Stamp Duties now Preamble.
payable in respect of the Bills of Exchange and Promissory
Notes mentioned or described in the Schedule to this Act
annexed, and to impose other Stamp Duties in lieu thereof, and other-
5 wise to amend the Laws relating to Stamp Duties: Be it therefore
enacted by the Queen's most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows :

- 10 I. From and after the Tenth Day of August One thousand eight
hundred and fifty-four the Stamp Duties now payable in Great
Britain and Ireland respectively, under or by virtue of any Act or
Acts of Parliament for or in respect of the several Bills of Exchange
and Promissory Notes mentioned or described in the Schedule to this
15 Act annexed, and whereon other Duties are by this Act granted, shall
respectively cease and determine, and shall be and the same are hereby
repealed ; and in lieu thereof there shall be granted, charged, and paid
in and throughout the United Kingdom of Great Britain and Ireland,
unto and for the Use of Her Majesty, Her Heirs and Successors, upon
20 and in respect of the several Bills of Exchange and Promissory Notes
[Bill 218.] A described

Stamp Du-
ties on In-
struments in
the Schedule
annexed re-
pealed and
others grant-
ed in lieu
thereof.

described or mentioned in the said Schedule, or upon or in respect of the Vellum, Parchment, or Paper upon which any of them respectively shall be written, the several Duties or Sums of Money specified and set forth in the said Schedule, which said Schedule, and the several Provisions, Regulations, and Directions therein contained, shall 5 be deemed and taken to be Part of this Act, and shall be applied, observed, and put in execution accordingly: Provided always, that nothing herein contained shall extend to repeal or alter any of the said Stamp Duties now payable in relation to any Bill of Exchange or Promissory Note which shall have been drawn, made, or signed, 10 or which shall bear Date before or upon the said Tenth Day of August One thousand eight hundred and fifty-four.

The new Duties to be denominated Stamp Duties, and to be under the Care of the Commissioners of Inland Revenue.

Powers and Provisions of former Acts to be in force.

II. The said Duties by this Act granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; 15 and all the Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts or any Schedule thereto, relating to any Duties of the same Kind or Description heretofore payable in Great Britain and Ireland respectively, and in force at the 20 Time of the passing of this Act, shall respectively be in full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, and Paper, Instruments, Matters, and Things charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, so far as the same are or shall be 25 applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise in relation thereto so far as the same shall not be superseded by and shall be consistent with the express Provisions 30 of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, mutatis mutandis, with reference to the said Duties by this Act granted.

Duties on Bills drawn out of the United Kingdom to be denoted by adhesive Stamps.

III. The Duties by this Act granted in respect of Bills of Exchange drawn out of the United Kingdom shall attach and be payable upon 35 all such Bills as shall be paid, indorsed, transferred, or otherwise negotiated within the United Kingdom wheresoever the same may be payable, and the said Duties shall be denoted by adhesive Stamps, to be provided by the Commissioners of Inland Revenue for that Purpose, and to be affixed to such Bills as herein-after directed. 40

CLAUSE A.
Bills pur-
porting to

IV. Every Bill of Exchange which shall purport to be drawn at any Place out of the United Kingdom shall for all the Purposes of this

this Act be deemed to be a Foreign Bill of Exchange drawn out of the United Kingdom, and shall be chargeable with Stamp Duty accordingly, notwithstanding that in fact the same may have been drawn within the United Kingdom.

be drawn abroad deemed for the Purposes of the Stamp Act to be so drawn.

- 5 V. The Holder of any Bill of Exchange drawn out of the United Kingdom, and not having a proper adhesive Stamp affixed thereon as herein directed, shall, before he shall present the same for Payment, or indorse, transfer, or in any Manner negotiate such Bill, affix thereon a proper adhesive Stamp for denoting the Duty by this Act charged on
10 such Bill; and the Person who shall indorse, transfer, or negotiate such Bill shall, before he shall deliver the same out of his Hands, Custody, or Power, cancel the Stamp so affixed by writing thereon his Name or the Name of his Firm and the Date of the Day and Year on which he shall so write the same, to the end that such Stamp may
15 not be again used for any other Purpose; and if any Person shall present for Payment, or shall pay or indorse, transfer or negotiate any such Bill as aforesaid whereon there shall not be such adhesive Stamp as aforesaid duly affixed, or if any Person who ought as directed by this Act to cancel such Stamp in manner aforesaid shall refuse or neglect
20 so to do, such Person so offending in any such Case shall forfeit the Sum of Fifty Pounds; and no Person who shall take or receive from any other Person any such Bill as aforesaid, either in Payment or as a Security, or by Purchase or otherwise, shall be entitled to recover thereon, or to make the same available for any Purpose whatever,
25 unless at the Time when he shall so take or receive such Bill there shall be such Stamp as aforesaid affixed thereon and cancelled in the Manner hereby directed.

The Holder of a Bill drawn out of the United Kingdom to affix an adhesive Stamp thereon before negotiating it.

Penalty for negotiating such Bill without a Stamp affixed or neglecting to cancel such Stamp.

- VI. If any Person shall within the United Kingdom draw and issue any Bill of Exchange payable out of the United Kingdom purporting
30 to be drawn in a Set, and shall not draw and issue on Paper duly stamped as required by Law the whole Number of Bills which such Bill purports the Set to consist of, or if any Person shall within the United Kingdom transfer or negotiate any such Bill of Exchange as aforesaid purporting to be drawn in a Set, and shall not at the same Time
35 transfer and deliver on Paper duly stamped as aforesaid the whole Number of Bills which such Bill purports the Set to consist of, every such Person so offending in any of such Cases shall forfeit the Sum of One hundred Pounds; and if any Person shall take or receive in the United Kingdom any such Bill as aforesaid, either in Payment or as
40 a Security or by Purchase or otherwise, without having delivered to him duly stamped as aforesaid the whole Number of Bills which such Bill purports the Set to consist of, he shall not be entitled to

Penalty for drawing Bills purporting to be drawn in a Set and not drawing the whole Number of the Set.

recover on any such Bill, or to make the same available for any Purpose whatever.

Unstamped
Drafts on
Bankers not
to be circu-
lated beyond
Fifteen Miles
of the Bank-
er on whom
drawn.

VII. And whereas, under and by virtue of certain Acts relating to Stamp Duties, certain Drafts or Orders for the Payment of any Sum of Money to the Bearer on Demand, drawn upon any Banker or Person acting as a Banker residing or transacting the Business of a Banker within Fifteen Miles of the Place where such Drafts or Orders are issued are exempted from all Stamp Duty, and it is expedient to prevent the negotiating or circulating of such Drafts or Orders unstamped at any Place beyond the Distance of Fifteen Miles from the Place where the same are made payable : Be it enacted, That no such Draft or Order as aforesaid shall, unless the same be duly stamped as a Draft or Order, be remitted or sent to any Place beyond the Distance of Fifteen Miles from the Bank or Place at which the same is made payable or be received in Payment, or as a Security, or be otherwise negotiated or circulated at any Place beyond the said Distance ; and if any Person shall remit or send any Draft or Order not duly stamped as aforesaid to any Place beyond the Distance aforesaid, or shall receive the same in Payment or as a Security, or in any Manner negotiate or circulate the same at any such last-mentioned Place, he shall forfeit the Sum of Fifty Pounds.

Under Pen-
alty.

CLAUSE B.
Drafts law-
fully issued
unstamped
may have
an adhesive
Stamp
affixed by
the Holder,
and be ne-
gotiated
beyond the
Distance of
Fifteen
Miles.

VIII. Provided always, That it shall be lawful for any Person who shall receive any such Draft or Order as aforesaid at any Place within the said Distance of Fifteen Miles from the Bank or Place at which the same is made payable, which Draft or Order shall have been lawfully issued unstamped, to affix thereto a proper adhesive Stamp, and to cancel such Stamp by Writing thereon his Name or the Initial Letters of his Name, and thereupon such Draft or Order may lawfully be received and negotiated at any Place beyond the Distance aforesaid, anything herein contained notwithstanding.

17 G. 3. c. 30.
so far as it
extends to
Drafts on
Bankers re-
pealed.

IX. And whereas an Act was passed in the Seventeenth Year of the Reign of King George the Third, Chapter Thirty, for restraining the Negotiation of Promissory Notes and Inland Bills of Exchange under a limited Sum : Be it enacted, That the said Act, and any Act or Acts continuing or perpetuating the same, shall, so far as they respectively extend or may be deemed or construed to extend to any Draft on a Banker for Payment of Money held for the Use of the Drawer, be and the Same are hereby repealed.

CLAUSE C.
Adhesive
Stamps

X. The adhesive Stamps provided by the Commissioners of Inland Revenue for denoting the Duty of One Penny payable on Receipts and

and on Drafts or Orders for the Payment of Money to the Bearer or to order on Demand respectively may lawfully be used for the Purpose of denoting the like Amount of Duty either on a Receipt or on such Draft or Order as aforesaid, without regard to the special Appropriation thereof for the other of such Instruments by having its Name on the Face thereof, anything in any Act or Acts contained to the contrary notwithstanding.

denoting the Duty of One Penny may be used either for Receipts or Drafts without regard to their special Appropriation.

XI. And whereas an Act was passed in the Seventh and Eighth Years of Her Majesty's Reign, Chapter Thirty-two, to regulate the Issue of Bank Notes; and an Act was passed in the Eighth and Ninth Years of Her Majesty's Reign, Chapter Thirty-eight, to regulate the Issue of Bank Notes in Scotland; and another Act was passed in the last-mentioned Years, Chapter Thirty-seven, to regulate the Issue of Bank Notes in Ireland; and in order to prevent Evasions of the Regulations and Provisions of the said respective Acts it is expedient to define what shall be deemed to be Bank Notes within the Meaning thereof respectively: Be it enacted, That all Bills, Drafts, or Notes (other than Notes of the Bank of England) which shall be issued by any Banker or the Agent of any Banker for the Payment of Money to the Bearer on Demand, and all Bills, Drafts, or Notes so issued which shall entitle or be intended to entitle the Bearer or Holder thereof, without Endorsement, or without any further or other Endorsement than may be thereon at the Time of the issuing thereof, to the Payment of any Sum of Money on Demand, whether the same shall be so expressed or not, in whatever Form and by whomsoever such Bills, Drafts, or Notes shall be drawn or made, shall be deemed to be Bank Notes of the Banker by whom or by whose Agent the same shall be issued within the Meaning of the said Three several Acts last mentioned, and within all the Clauses, Provisions, and Regulations thereof respectively.

CLAUSE D.
7 & 8 Vict.
c. 32.
8 & 9 Vict.
cc. 37. 38.

What shall be deemed Bank Notes within the Meaning of recited Acts.

XII. All Bills, Drafts, and Notes which by or under this Act, or the said Three several Acts last mentioned, or any of them respectively, are declared or deemed to be Bank Notes, shall be subject and liable to the Stamp Duties, and Composition for Stamp Duties, imposed by or payable under any Act or Acts in force upon or in respect of Promissory Notes for the Payment of Money to the Bearer on Demand; and all Clauses, Provisions, Regulations, Penalties, and Forfeitures contained in any Act or Acts relating to the issuing of such Promissory Notes, or for securing the said Stamp Duties and Composition respectively, or for preventing or punishing Frauds or Evasions in relation thereto, shall respectively be deemed to apply to all such Bills, Drafts, and Notes as aforesaid, and to the Stamp Duties and Composition payable upon or in respect thereof,

CLAUSE E.
Stamp Duties payable on Bank Notes.

anything in this Act, or any other Act or Acts, to the contrary notwithstanding.

Exemption
from Receipt
Stamp Duty
of Letters
acknowledg-
ing Receipt
of Bills, &c.
repealed.

XIII. And whereas under and by virtue of certain Acts relating to Stamp Duties, Letters by the General Post acknowledging the safe Arrival of any Bills of Exchange, Promissory Notes, or other Securities for Money are exempted from the Stamp Duty granted and imposed on Receipts or Discharges given for or upon the Payment of Money: Be it enacted, That the said Exemption shall be and the same is hereby repealed. 5

Receipts for
Money paid
to the Crown
exempted
from Stamp
Duty.

XIV. And whereas under and by virtue of the Laws in force the Stamp Duty on Receipts given for or upon the Payment of Money to or for the Use of Her Majesty, Her Heirs or Successors, is made payable by the Person requiring any such Receipt: Be it enacted, That all such Receipts as last mentioned shall be and the same are hereby exempted from Stamp Duty. 10 15

13 & 14 Vict.
c. 97.

XV. And whereas by an Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven, certain reduced Rates of Stamp Duty were granted and made payable under the respective Heads or Titles of "Conveyance," "Duplicate or Counterpart" and "Progressive Duty" in the Schedule to the said last-men- 20

16 & 17 Vict.
c. 63.

tioned Act annexed: And whereas by an Act passed in the last Session of Parliament, Chapter Sixty-three, certain Stamp Duties were granted and made payable upon Conveyances, Charters, Dispositions, and Contracts described under the Head or Title of "Conveyance" in the Schedule to the said last-mentioned Act, but no Pro- 25

Stamp Du-
ties on Du-
plicates and
progressive
Duties to be
chargeable
on Convey-
ances de-
scribed in
16 & 17 Vict.
c. 63.

vision is made for charging the said Conveyances, Charters, Dispositions, and Contracts with the said progressive Duties, or for charging the Duplicates or Counterparts thereof with the said reduced Duties; and it is expedient to amend the said last-mentioned Act, and also to give such Relief as hereinafter mentioned: Be it enacted, That 30 the respective Stamp Duties granted and made payable under the several Heads or Titles of "Duplicate or Counterpart" and "Progressive Duty," in the Schedule annexed to the said Act of the Thirteenth and Fourteenth Years of Her Majesty, and the Provisions and Regulations relating thereto, shall be and the same are hereby respectively made 35 payable upon and in respect of and deemed to apply to the several Conveyances, Charters, Dispositions, and Contracts described under the Head or Title of "Conveyance" in the Schedule to the said Act of the last Session of Parliament, Chapter Sixty-three, which shall be made after the passing of this Act, and any Duplicate or Counterpart 40 thereof.

XVI. And

XVI. And for the Relief of Persons who before the passing of this Act have made any Duplicate or Counterpart of any such Conveyance, Charter, Disposition, or Contract as aforesaid it shall be lawful for the Commissioners of Inland Revenue and they are hereby required, upon
5 Production to them of any such Conveyance, Charter, Disposition, or Contract, and of the Duplicate or Counterpart thereof, bearing respectively Stamps denoting the Amount of Stamp Duty chargeable upon the like Deed or Instrument and Duplicate or Counterpart made after
10 the passing of this Act, to stamp the said Duplicate or Counterpart with the particular Stamp directed by the said Act of the Thirteenth and Fourteenth Years of Her Majesty to be impressed upon a Duplicate or Counterpart for denoting or testifying the Payment of the full and proper Stamp Duty on the original Deed or Instrument, and if
15 the said Duplicate or Counterpart shall be stamped with any greater Amount of Stamp Duty than the Amount so chargeable as aforesaid the said Commissioners shall allow and repay such Excess of Stamp Duty, and rectify the Stamps accordingly, and thereupon such Duplicate or Counterpart shall be deemed to be duly stamped.

Relief to
Persons who
have made
Duplicates
of such Con-
veyances be-
fore the pass-
ing of this
Act.

XVII. And where any such Conveyance, Charter, Disposition, or
20 Contract as aforesaid shall be made in consideration of any annual Sum payable for the Life of any Person or for any Period determinable upon Death or any indefinite Period as herein-after mentioned, the gross Value of such annual Sum calculated according to the respective Tables and Rules in the Schedule annexed to the Act of the last Session of Par-
25 liament, Chapter Fifty-one, in any Case where such Tables and Rules are applicable, shall be deemed to be the Purchase or Consideration Money, and such Deed or Instrument shall be chargeable in respect thereof as a Conveyance upon the Sale of Property with the ad valorem Duty granted and imposed by the before-mentioned Act of the Thir-
30 teenth and Fourteenth Years of Her Majesty in lieu of the Duty chargeable under the said Act of the last Session, Chapter Sixty-three, and where the annual Sum shall be payable for any Period determinable upon Death or for any Life subject to any Event or Contingency which may determine the same, or for any indefinite Period not
35 extending beyond a Life in being, the Value thereof shall be calculated as if such Sum were payable absolutely for the Life of the Person upon whose Death the same may or must cease, and without regard to any such Event, Contingency, or Period respectively.

The Duty on
Conveyances
for annual
Sums pay-
able for
Lives to be
calculated on
the gross
Value.

XVIII. And where any such Conveyance, Charter, Disposition, or
40 Contract as aforesaid shall be made partly in consideration of such annual Sum as in the said Schedule to the said Act of the last Session, Chapter Sixty-three, or this Act, is mentioned, and partly in consideration of a Sum of Money or Stock as mentioned under the Head or

Deeds made
for several
valuable
Considera-
tions to be
chargeable
in respect of
each.

'Title of "Conveyance" in the Schedule to the said Act of the Thirteenth and Fourteenth Years of Her Majesty, such Conveyance, Charter, Disposition, or Contract shall be chargeable with the ad valorem Stamp Duties granted by the said Acts respectively in respect of each of the said Considerations; and in any Case where any Deed or Instrument which shall be chargeable with any ad valorem Stamp Duty in respect of any Sum of Money yearly or in gross or any Stock or Security therein mentioned shall be made also for any further or other valuable Consideration, such Deed or Instrument shall be chargeable (except where express Provision to the contrary is or shall be made in any Act of Parliament) with such further Stamp Duty as any separate Deed or Instrument made for such last-mentioned Consideration alone would be chargeable with except progressive Duty.

The Commissioners, before assessing the Duty upon any Deed, may require Proof that the Facts upon which the Duty depends are truly stated.

XIX. And to prevent Fraud and Evasion of Stamp Duty in any Case where Application is made to the Commissioners of Inland Revenue to assess and charge the Stamp Duty to which any Deed or Instrument is liable, or to impress on any Deed or Instrument the particular Stamp provided to denote the Payment of the full and proper Duty on the same or on any other Deed or Instrument, or that any Deed or Instrument is not liable to any Stamp Duty, it shall be lawful for the said Commissioners to require such Evidence by Affidavit as they may deem necessary in order to show to their Satisfaction the Quantity of Words contained in any such Deed or Instrument, and whether or not the Consideration, or any definite or certain Sum or Sums of Money, Stock, or other valuable Matter or Thing capable of being ascertained and set forth, or any other Facts, upon the full or proper Statement of any of which Matters and Things in such Deed or Instrument the Stamp Duty which shall be or which ought to be payable thereon shall in any Measure depend is or are truly and fully set forth therein; and it shall be lawful for the said Commissioners and their Officers in any Case to refuse to impress on any such Deed or Instrument, or any Duplicate or Counterpart respectively, the particular Stamp to denote the Payment of the full and proper Duty as aforesaid, except on Payment of the full Stamp Duty which would be chargeable on such Deed or Instrument if all or any of such Matters and Things aforesaid had been truly set forth therein.

The Affidavit not to be used for any other Purpose.

XX. Provided, That no such Affidavit shall be used against any Person making the same in any Proceeding whatever, except only in any Inquiry as to the Stamp Duty with which such Deed or Instrument is chargeable, and every such Person shall, upon Payment of such full Stamp Duty as aforesaid, be relieved from any Penalty, Forfeiture, or Disability he may have incurred by reason of the Omission to state truly in such Deed or Instrument any of the Facts, Matters, and Things aforesaid.

XXI. Whereas

- XXI. Whereas by an Act passed in the Forty-eighth Year of the Reign of King George the Third, Chapter One hundred and forty-nine, certain Penalties and Disabilities were imposed upon the Parties to any Deed or Instrument of Conveyance of Property upon Sale, wherein the full Purchase or Consideration Money directly or indirectly paid or secured or agreed to be paid should not be truly expressed and set forth, and also upon the Attorney, Solicitor, Writer to the Signet, or other Person employed in or about the preparing of any such Deed or Instrument: And whereas the Sale of a Trade or Business, or the Goodwill thereof, has been erroneously considered by some Persons not to be a Sale of Property within the Meaning of the Acts imposing ad valorem Stamp Duties on the Conveyance thereof, and the Instruments whereby Property of that Description, or whereby certain Messuages, Lands, or other Property wherein or whereupon such Trade or Business has been carried on, has or have been in such Cases assigned, transferred, or otherwise conveyed to or become vested in a Purchaser have not been stamped with the full and proper Duties with which the same were by Law chargeable, and in some Instances the Purchase or Consideration Money has been omitted to be fully and truly expressed and set forth as required by Law in such Instruments, by reason whereof the Parties to such Instruments, and the Attorney, Solicitor, Writer to the Signet, or other Person employed in or about the preparing of the same may have incurred the Penalties, Forfeitures, and Disabilities in that Behalf mentioned in and imposed by the said Act of the Forty-eighth Year of King George the Third, and it is expedient that they should be relieved therefrom: Be it enacted, That in any such Case as aforesaid the Parties to any such Instrument made and bearing Date on or before the Fifteenth Day of June One thousand eight hundred and fifty-four, and every Person employed in or about the preparing of the same, shall be and they are hereby declared to be respectively freed, discharged, and indemnified from and against the Penalties, Forfeitures, and Disabilities contained in or imposed by the said last-mentioned Act by reason of any Omission to express or set forth in any such Instrument the full and true Purchase or Consideration Money upon the Sale of the Property thereby conveyed, transferred, assigned, or assured, or vested in the Purchaser; and it shall be lawful for the Commissioners of Inland Revenue, and they are hereby required in any such Case as aforesaid, upon Application made to them for that Purpose within Six Calendar Months next after the passing of this Act, and on Payment of such further Stamp Duty as, together with what shall have been already paid, will make up the full ad valorem Stamp Duty which ought to have been paid upon any such Instrument, to stamp such Instrument for denoting the Payment of such further Duty without requiring the Payment of

CLAUSE F.
48G.3.c.149.

Indemnity from Penalties for omitting to state the full Purchase Money in Assignments on the Sale of Goodwill.

Power to stamp such Conveyances in such Cases without Penalty within Six Months.

any Penalty in respect thereof, anything in any Act to the contrary thereof notwithstanding.

Stamp Duty on Licences to Pawnbrokers in Dublin reduced.

XXII. And whereas it is expedient to reduce the Stamp Duty now payable on Licences to Pawnbrokers in Dublin: Be it enacted, That the Stamp Duty of Fifteen Pounds now payable on a Licence to be taken out yearly for exercising the Trade or Business of a Pawnbroker within the City of Dublin, or the Circular Road surrounding the same, shall be reduced to the Sum of Seven Pounds Ten Shillings.

Contracts to serve as Artificers, Servants, and Labourers in the Colonies exempted from Stamp Duty.

XXIII. All Indentures of Apprenticeship, Bonds, Contracts, and Agreements whereby any Person shall become bound, contract, or engage in the United Kingdom to serve any Employer in any of Her Majesty's Colonies or Possessions abroad as an Artificer, Clerk, domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or Labourer shall be and the same are hereby exempted from all Stamp Duty.

CLAUSE G.
Public Maps and Documents not to be liable to Stamp Duty by reason of their being referred to in Deeds or Writings.

XXIV. And whereas by an Act passed in the Fifty-fifth Year of the Reign of King George the Third, Chapter One hundred and eighty-four, and by the said Act of the Thirteenth and Fourteenth Years of Her Majesty respectively, certain Stamp Duties were imposed upon any Schedule, Inventory, or Catalogue, containing the Matters and Things in the said Acts respectively mentioned, which should be referred to in or by and be intended to be used or given in Evidence as Part of or as material to any Instrument charged with Stamp Duty, but which should be separate and distinct therefrom, and not endorsed on or annexed thereto, and Doubts are entertained whether the said Duties extend to certain Documents and Writings of a public Character herein-after mentioned: For the Removal of such Doubts, be it declared and enacted, That the said last-mentioned Stamp Duties shall not extend or be deemed to have extended to any public Map, Plan, Survey, Apportionment, Allotment, Award, or other parochial or public Document or Writing whatsoever made under or in pursuance of any Act of Parliament, and deposited or kept for Reference in any Registry, or in any public Office, or with the public Books, Papers, or Writings of any Parish, by reason of any such Document or Writing as aforesaid being referred to in or by any Deed or Instrument whatever, provided that such Document or Writing be not endorsed on or annexed to such Deed or Instrument.

Allowance on the Purchase of Stamps not

XXV. And in order to encourage the Purchase of Stamps for Drafts, Bills, and Notes of the several Rates and Denominations herein-after mentioned, and to facilitate the Distribution and Supply thereof, there

there shall be granted and allowed to every Person who at One and the same Time shall produce at the Office of the Commissioners of Inland Revenue in London or Dublin, Paper, to be stamped with such Stamps or any of them to the Amount of Five Pounds in the whole, 5 or shall purchase such Stamps or any of them to the like Amount at the Office of the said Commissioners in London, Edinburgh, or Dublin, or of any Distributor or Sub-distributor of Stamps at any Place not within the Distance of Ten Miles from the said Offices respectively, the Allowance following; (that is to say,) on Stamps for denoting 10 any Rate of Duty not exceeding One Shilling on Bills of Exchange, Drafts, or Orders, or Promissory Notes, an Allowance after the Rate of Seven and a Half per Centum on the Amount of such Stamp Duties respectively; provided that no Allowance shall be made on any Fraction of a Pound; which said Allowances are in lieu of any 15 Allowance payable on Stamps of the like Rates and Denominations under any other Act or Acts in force.

exceeding the Rate of 1s. Duty for Drafts, Bills, and Notes.

XXVI. And in consideration that such Allowance as aforesaid is by this Act granted on the Purchase of Stamps of the several Rates and Denominations aforesaid, it shall not be lawful for any Person on the 20 Sale of any such Stamp to make any Charge for the Paper whereon the same is impressed; and if any Person upon the Sale of any Stamp denoting any Rate of Duty not exceeding One Shilling for any Bill of Exchange, Draft or Order, or Promissory Note, shall make any Charge for the Paper whereon the same is impressed, or under any 25 Colour or Pretence whatever demand or receive a greater Price or Sum than the Amount of the Stamp Duty, he shall forfeit the Sum of Ten Pounds.

No Charge to be made for Paper on Sale of Bill or Note Stamps where the Rate of Duty does not exceed 1s.

XXVII. Where any Person shall be possessed of any Stamps rendered useless by this Act, it shall be lawful for the Commissioners 30 of Inland Revenue, on Application to them or to their proper Officer in that Behalf, at any Time on or before the Fifth Day of April One thousand eight hundred and fifty-five to cancel and make Allowance for the same as in the Case of spoiled Stamps, after deducting the Discount granted and allowed by Law on the Purchase of Stamps of 35 the like Description.

CLAUSE H.
Allowance for Stamps rendered useless by this Act.

XXVIII. Every Instrument liable to Stamp Duty shall be admitted in Evidence in any Criminal Proceeding, although it may not have the Stamp required by Law impressed thereon or affixed thereto.

CLAUSE I.
Instruments admissible in Evidence, though not properly stamped.

The SCHEDULE to which this Act refers.

Inland Bill of Exchange, Draft, or Order for the Payment to the Bearer, or to Order, at any Time otherwise than on Demand, of any Sum of Money				Duty.		
				£	s.	d.
Not exceeding	-	-	-	£ 5	0	0 1
Exceeding	£5	and not exceeding	-	10	0	0 2
"	10	"	-	25	0	0 3
"	25	"	-	50	0	0 6
"	50	"	-	75	0	0 9
"	75	"	-	100	0	1 0
"	100	"	-	200	0	2 0
"	200	"	-	300	0	3 0
"	300	"	-	400	0	4 0
"	400	"	-	500	0	5 0
"	500	"	-	750	0	7 6
"	750	"	-	1,000	0	10 0
"	1,000	"	-	1,500	0	15 0
"	1,500	"	-	2,000	1	0 0
"	2,000	"	-	3,000	1	10 0
"	3,000	"	-	4,000	2	0 0
"	4,000 and upwards	-	-	-	2	5 0
Foreign Bill of Exchange drawn in, but payable out of, the United Kingdom,						
If drawn singly or otherwise than in a Set of Three or more, the same Duty as on an Inland Bill of the same Amount and Tenor.						
If drawn in Sets of Three or more, for every Bill of each Set,						
Where the Sum payable thereby shall not exceed				£25	0	0 1
And where it shall exceed £25 and not exceed -				50	0	0 2
"	50	"	-	75	0	0 3
"	75	"	-	100	0	0 4
"	100	"	-	200	0	0 8
"	200	"	-	300	0	1 0
"	300	"	-	400	0	1 4
"	400	"	-	500	0	1 8
"	500	"	-	750	0	2 6
"	750	"	-	1,000	0	3 4
"	1,000	"	-	1,500	0	5 0
"	1,500	"	-	2,000	0	6 8
"	2,000	"	-	3,000	0	10 0
"	3,000	"	-	4,000	0	13 4
"	4,000 and upwards	-	-	-	0	15 0
Foreign Bill of Exchange drawn out of the United Kingdom, and payable within the United Kingdom, the same Duty as on an Inland Bill of the same Amount and Tenor.						

Foreign Bill of Exchange drawn out of the United Kingdom, and payable out of the United Kingdom, but indorsed or negotiated within the United Kingdom, the same Duty as on a Foreign Bill drawn within the United Kingdom, and payable out of the United Kingdom.				Duty.		
Promissory Note for the Payment in any other Manner than to the Bearer on Demand of any Sum of Money,				£	s.	d.
Not exceeding	-	-	-	£5	0	0 1
Exceeding	£5	-	- and not exceeding	10	0	0 2
"	10	-	"	25	0	0 3
"	25	-	"	50	0	0 6
"	50	-	"	75	0	0 9
"	75	-	"	100	0	1 0
Promissory Note for the Payment, either to the Bearer on Demand or in any other Manner than to the Bearer on Demand, of any Sum of Money,						
Exceeding	£100	- and not exceeding	200	0	2	0
"	200	"	300	0	3	0
"	300	"	400	0	4	0
"	400	"	500	0	5	0
"	500	"	750	0	7	6
"	750	"	1,000	0	10	0
"	1,000	"	1,500	0	15	0
"	1,500	"	2,000	1	0	0
"	2,000	"	3,000	1	10	0
"	3,000	"	4,000	2	0	0
"	4,000 and upwards	-	-	2	5	0

Lease or Tack of any Lands, Tenements, Hereditaments, or Heritable Subjects, for any Term of Years exceeding Thirty-five, at a yearly Rent, with or without any Sum of Money by way of Fine, Premium, or Grassum paid for the same, the following Duties in respect of such yearly Rent,

		DUTIES.					
		If the Term shall not exceed 100 Years.			If the Term shall exceed 100 Years.		
		£	s.	d.	£	s.	d.
Where the yearly Rent shall not exceed £5 - - -		0	3	0	0	6	0
And where the same shall exceed - - - - - } £5 and not exceed £10		0	6	0	0	12	0
"	" 10	"	15	0 9 0	0	18	0
"	" 15	"	20	0 12 0	1	4	0
"	" 20	"	25	0 15 0	1	10	0
"	" 25	"	50	1 10 0	3	0	0
"	" 50	"	75	2 5 0	4	10	0
"	" 75	"	100	3 0 0	6	0	0
And where the same shall exceed £100 then for every £50, and also for any fractional Part of £50 -		1	10	0	3	0	0

And where any such Lease or Tack as aforesaid shall be granted in consideration of a Fine, Premium, or Grassum, and also of a yearly Rent, such Lease or Tack shall be chargeable also, in respect of such Fine, Premium, or Grassum, with the ad valorem Stamp Duties granted under the Head or Title of "Conveyance" in the Schedule annexed to the Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven.

EXEMPTION.

Any Lease made in pursuance of the Trinity College, Dublin, Leasing and Perpetuity Act 1851.

Conveyance of any Kind or Description whatsoever in Eng- land or Ireland, and Charter, Disposition, or Contract containing the first original Constitution of Feu and Ground Annual Rights in Scotland (not being a Lease or Tack for Years), in consideration of an annual Sum pay- able in perpetuity or for any indefinite Period, whether Fee Farm or other Rent, Feu Duty, Ground Annual, or otherwise	}	The same Du- ties as on a Lease or Tack for a Term exceeding 100 Years, at a yearly Rent equal to such annual Sum.
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EXEMPTIONS.

Any Lease or Tack for a Life or Lives not exceeding Three, or for a Term of Years determinable with a Life or Lives not exceeding Three, by whomsoever granted.

Any Grant in Fee Simple or in Perpetuity, made in Ireland, in pursuance of the Renewable Leasehold Conversion Act, or in pursuance of the Trinity College (Dublin) Leasing and Perpetuity Act, 1851.

All which said Leases or Tacks and Grants respectively shall be chargeable with the Stamp Duties to which the same were subject and liable before the passing of the Act 16 & 17 Vict. c. 63.

DUPLICATE OR COUNTERPART AND PROGRESSIVE DUTY.

Every such Lease or Tack, and every such Conveyance, Charter, Disposition, or Contract as aforesaid hereby charged with Duty, and the Duplicate or Counterpart thereof respectively, shall be chargeable with the respective Stamp Duties granted and made payable under the several Heads or Titles of "Duplicate or Counterpart," and "Progressive Duty," in the Schedule annexed to the Act of the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven.

Licence to demise Copyhold Lands, Tenements, or Hereditaments, or the Memorandum thereof if granted out of Court, and the Copy of Court Roll of any such Licence if granted in Court:

Where the clear yearly Value of the Estate to be demised shall be expressed in such Licence and shall not exceed £75	}	The same Duty as on a Lease at a yearly Rent equal to such yearly Value.
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And in all other Cases	£	s.	d.
	0	10	0

Stamp Duties.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Laws relating to the
Stamp Duties.

(Prepared and brought in by
*Mr. Bouvier, Mr. Chancellor of the Exchequer,
and Mr. Wilson.*)

*Ordered, by The House of Commons, to be Printed,
17 July 1854.*

[Bill 218.]

Under 2 oz.

Standard of Gold and Silver Wares Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 12 Geo. 2. c. 26. and 38 Geo. 3. c. 69.

Power to the Queen, by Order in Council, to allow any Standard for Gold Wares not less than Carats. After the Publication of the Order in the London Gazette, the Provisions of the 38 Geo. 3. c. 69. to be applicable to the new Standard; Sect. 1.

Gold and Silver Wares may be assayed at any lawful Assay Office, wherever manufactured; 2.



A

B I L L

FOR

Allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Law relating to the assaying of Gold and Silver Wares.

WHEREAS by an Act passed in the Twelfth Year of the Preamble.
Reign of King George the Second, Chapter Twenty-six, 12 G. 2. c. 26.
it was enacted, that no Goldsmith, Silversmith, or other
Person whatsoever, making, trading, or dealing in Gold or Silver
5 Wares in England, should work or make, or cause or procure to be
wrought or made, any Gold Vessel, Plate, or Manufacture of Gold
whatsoever less in Fineness than Twenty-two Carats of Fine Gold
in every Pound Weight Troy, nor sell, exchange, or expose to Sale, or
export out of this Kingdom, any Gold Vessel, Plate, or Manufacture
10 of Gold whatsoever less in Fineness than Twenty-two Carats of Fine
Gold in every Pound Weight Troy: And whereas by another Act
passed in the Thirty-eighth Year of the Reign of King George the 38 G. 3. c. 69.
Third, Chapter Sixty-nine, it was enacted, that it should be lawful for
any Goldsmith or other Person making, trading, or dealing in Gold
15 Wares in Great Britain, to work or make, or cause or procure to be
wrought or made, any Gold Vessel, Plate, or Manufacture of Gold
whatsoever of the Standard of Eighteen Carats of Fine Gold in every
[Bill 181.] A Pound

Pound Weight Troy, and to sell, exchange, or expose to Sale, or export out of this Kingdom, any Gold Vessel, Plate, or Manufacture of Gold whatsoever of the Standard of Eighteen Carats of Gold in every Pound Weight Troy: And whereas it is expedient that Gold of Standards inferior to those required by the said recited 5 Acts should be permitted to be used in Manufactures of Gold in this Kingdom, and that Provision should be made for authorizing such lower Standards: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament 10 assembled, and by the Authority of the same, as follows:

Power to the Queen, by Order in Council, to allow any Standard for Gold Wares not less than Carats.

After the Publication of the Order in the London Gazette the Provisions of the 38 G. 3. c. 69. to be applicable to the new Standard.

I. It shall be lawful for Her Majesty, by any Order or Orders to be from Time to Time made by and with the Advice of Her Privy Council, to order that any Gold Vessel, Plate, or Manufacture of Gold may be wrought of any Standard not being less than 15 Carats of Fine Gold in every Pound Weight Troy, to be declared in any such Order and to be marked with such Mark or Marks as shall be described in such Order; and from and after the Publication of any such Order in the London Gazette, all the Provisions, Prohibitions, and Penalties of the said recited Act of the Thirty-eighth Year of the 20 Reign of King George the Third, Chapter Sixty-nine, and of any other Act for the Time being in force applicable to the making, trading, or dealing in Gold Wares of the Two Standards in such Act respectively mentioned, or to the marking and assaying of such Gold Wares, or to the casting, forging, or counterfeiting of the Marks or 25 Stamps therein referred to, shall apply to the making, trading, or dealing in Gold Wares of such Standard as shall be allowed in any such Order in Council as aforesaid, and to the marking and assaying of such Gold Wares, and to the casting, forging, or counterfeiting of the Marks or Stamps to be used for that Purpose, in like Manner as if 30 the making, trading, or dealing in Gold Wares of the Standard to be allowed in any such Order in Council had been authorized by the said last-recited Act in addition to the Standards of Twenty-two Carats and Eighteen Carats respectively thereby authorized.

Gold and Silver Wares may be assayed at any lawful Assay Office, wherever manufactured.

II. Notwithstanding anything contained in any Act of Parliament 35 to the contrary, it shall be lawful for any Person to sell, exchange, or expose to Sale, or export out of this Kingdom, any Gold or Silver Vessel, or Plate, or Manufacture of Gold or Silver marked as required by Law, by any Company or Corporation duly authorized to assay and mark such Vessels, Plate, or Manufactures of Gold or Silver, in 40 whatever Part of Great Britain such Person may reside, or in whatever Place within Great Britain such Vessels, Plate, or Manufactures may have been wrought or made.

Standard of Gold and Silver Wares.

A

B I L L

For allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Law relating to the assaying of Gold and Silver Wares.

(*Prepared and brought in by
Mr. Cardwell and Mr. Wilson.*)

*Ordered, by The House of Commons, to be Printed,
6 July 1854.*

[Bill 181.]

Under 10s.

13 July 1854. 17 & 18 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Law relating to the assaying of Gold and Silver Wares.

[Note.—*The Clauses marked A. to C. were added in Committee.*]

WHEREAS it is expedient that Gold of Standards inferior Preamble.
to those now allowed by Law should be permitted to
be used in Manufactures of Gold, and that Provision
should be made for authorizing such lower Standards: Be it there-
fore enacted by the Queen's most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows:

I. It shall be lawful for Her Majesty, by any Order or Orders
to be from Time to Time made by and with the Advice of Her Privy
Council, to order that any Gold Vessel, Plate, or Manufacture of
Gold may be wrought of any Standard not being less than One Third
Part in the whole of Fine Gold, to be declared in any such Order,
such Standard to be marked with such Mark or Marks for dis-
tinguishing the actual Fineness to be indicated thereby as shall be
described in such Order, and the same may be wrought accordingly.

Power to the
Queen, by
Order in
Council, to
allow any
Standard for
Gold Wares
not less than
One Third
Part in the
whole.

[Bill 209.]

II. Workers

Gold and Silver Wares may be assayed at any lawful Assay Office wherever manufactured.

II. Workers or Dealers in Gold or Silver may register their Names, Marks, and Places of Abode at any Assay Office or Offices established by Law which they may select, and may thereupon have the Wares which are manufactured by them assayed and marked at such Office or Offices, without being liable to any Forfeiture or 5 Penalty imposed by any Act now in force for not registering their Names, Marks, or Places of Abode, or for making, selling, or exporting such Wares without being marked at a particular Assay Office, and the Wares which shall be assayed as aforesaid may be sold or exposed by any Person without being liable to any Forfeiture 10 or Penalty, notwithstanding any Provision to the contrary in any Act now in force.

CLAUSE A.
Gold Wares unnecessarily marked not liable to Duty on Gold Plate.

III. If any of the Gold Wares which by any Statute now in force are not liable to be assayed and marked shall nevertheless be assayed and marked as of one of the Standards authorized by Law, such 15 Wares shall not by reason thereof be chargeable with the Duty now levied upon Gold Plate.

CLAUSE B.
Provision as to assaying Wares in Town of Sheffield.

IV. So much of the Act of the Twenty-fourth Year of the Reign of His late Majesty King George the Third, intituled "An Act for 20 "altering and amending an Act of the Thirteenth Year of the Reign "of His present Majesty, intituled 'An Act for appointing Wardens "and Assay Masters for assaying Wrought Plate in the Towns of "Sheffield and Birmingham,' so far as relates to the said Town of "Sheffield," as requires the Marks, Figures, and Devices therein men- 25 tioned to be submitted to the Examination of the Company of Guardians of the Sheffield Assay Office, and to be approved and registered by them, and as imposes a Penalty upon any Manufacturer or Manufacturers of Plated Goods within the Town of Sheffield, or within One hundred Miles thereof, who should strike any Name, Mark, Figure, or Device upon his Plated Goods which shall not have been registered 30 at the Assay Office for the Town of Sheffield, or which shall have been previously registered at the said Office by any other Manufacturer of Plated Goods, shall be and the same is hereby repealed.

CLAUSE C.
Provisions of existing Acts to be applicable to the new Standard.

V. Nothing in this Act contained shall be deemed or taken to repeal the Statutes now in force relating to Standards of Gold Wares, 35 or to the Marks for denoting the same, or any of such Statutes, but the same and all the Provisions, Prohibitions, Penalties, and Forfeitures enacted thereby respectively shall continue to be in as full Force and Effect as if this Act had not passed, and shall be construed with and as forming Part of this Act, save only that in the Inter- 40 pretation thereof all Standards authorized by Her Majesty in pursuance of this Act shall be deemed and taken to be lawful Standards;

Standards; and all Gold Vessels, Wares and Manufactures, wrought in conformity with this Act shall be deemed and taken to be lawfully wrought within the Meaning of the said Statutes; and all Gold Vessels, Wares, and Manufactures duly assayed and marked in
5 conformity with this Act, and by the Standards duly authorized in pursuance of the same, shall be deemed and taken to be lawfully assayed and marked within the Meaning of the same Statutes respectively.

Standard of Gold and Silver Wares.

A

B I L L

[AS AMENDED IN COMMITTEE]

For allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Law relating to the assaying of Gold and Silver Wares.

(Prepared and brought in by
Mr. Cardwell and Mr. Wilson.)

Ordered, by The House of Commons, to be Printed,
13 July 1854.

[Bill 209.]

Under 1 oz.

Stannaries Court Bill.

ARRANGEMENT OF CLAUSES.

- Recitals 6 & 7 W. 4. c. 106., 2 & 3 Vict. c. 58.
- Jurisdiction of the Stannaries Court and of the Vice-Warden extended to Devonshire; Sect. 1.
- Court to be held at Truro and Plymouth; 2.
- Jurisdiction of the Vice-Warden in Devonshire; 3.
- Registrar for Devonshire to be appointed; 4.
- Registrar's Office and Court at Plymouth; 5.
- Salary of Registrar for Devonshire; 6.
- Registrar for Devonshire to account Half-yearly; 7.
- Registrar for Devonshire to make certain Payments; 8.
- Registrars may act in both Counties; 9.
- Registrar in Devonshire to be Secretary; 10.
- Crier and Usher for Devonshire to be appointed; 11.
- Collector for Devonshire to be appointed; 12.
- Assessment of *One Farthing* in the Pound Sterling on all Metals, &c., and Head Manager of every Mine and Stream-work in Devonshire to make a Return Quarterly of the Quantity and Value; 13.
- Penalty on Head Manager for Omissions, &c.; 14.
- Recovery of Penalties; 15.
- The Borough Gaol in Plymouth to be the Prison of the Vice-Warden's Court for the County of Devon; 16.
- Provisions of recited Acts extended to this Act; 17.
- Definition of Mines worked on the Cost-Book System; 18.
- Cost Book to be kept; 19.
- General Meetings of Shareholders every Two Months; 20.
- Shareholders may cause extraordinary General Meetings to be summoned; 21.
- Shares may be relinquished; 22.
- Transfer of Shares; 23.

Shares of limited Liability in Cost-Book Mines ; 24.

Such Shareholders not to interfere in the Management ; 25.

Such Shareholders to be repaid their Capital at a fixed Time ; 26.

Calls on limited Shares ; 27.

Registry of limited Shares ; 28.

Commencement of Act ; 29.

SCHEDULE.



(No. 2.)

A

B I L L

TO

Extend the Jurisdiction of the Stannaries Court, and to regulate Cost-Book Mines.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

- W**HEREAS Acts were passed in the Sessions of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King William the Fourth (Chapter One hundred and six) and in the Second and Third Years of the Reign of Her Majesty (Chapter Fifty-eight): And whereas it is expedient that the Jurisdiction of the Court of the Stannaries, and of the Vice-Warden of the Stannaries, as established and regulated by the said Acts, should be extended to the County of Devon: And whereas it is expedient to define and amend the Laws relating to Mines worked on the Cost-Book Principle in the Counties of Cornwall and Devon: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:
- 15 I. The Jurisdiction of the Court of the Stannaries in Cornwall, and of the Vice-Warden of the Stannaries, shall extend to and throughout the Counties of Cornwall and Devon, in like Manner as it now does in and throughout the County of Cornwall.
- [Bill 71.] A II. The
- Preamble.
6 & 7 W. 4.
c. 106.
2 & 3 Vict.
c. 58.
Jurisdiction
of Stannaries
Court and of
the Vice-
Warden ex-
tended.

Court to be
held at
Truro and
Plymouth.

II. The said Court shall be held from Time to Time, not only as heretofore, at Truro in the County of Cornwall, but also at Plymouth in the County of Devon; and the Sitting of the said Court shall be held as often as shall be found necessary, and at least once in every *Three Months*, at each of the above Places, on such Days as the Vice- 5 Warden shall from Time to Time appoint.

Jurisdiction
of the Vice-
Warden in
Devonshire.

III. The present and every future Vice-Warden of the Stannaries shall have, exercise, and enjoy the same Jurisdiction, both legal and equitable, and the same Power and Authority, in all Matters and Things which shall be brought before him relating to or in any way 10 connected with the working, managing, conducting, or carrying on any Mine worked for any Tin, Tin Ore, Lead, Copper, or other Metal or metallic Mineral within the said County of Devon, or in any way connected with or relating to Tin, Tin Ore, Lead, Copper, or other Metal or metallic Mineral, or the searching for, working, smelting, or 15 purifying any Tin, Tin Ore, Lead, Copper, or other Metal or metallic Mineral, within the County of Devon, in as full and ample a Manner as if the same had related to any Matter or Thing of the like Nature in the County of Cornwall.

Registrar
for Devon-
shire to be
appointed.

IV. Some fit Person, being a Barrister or an Attorney of *Five* 20 Years standing, shall from Time to Time be appointed as herein-after mentioned to be and to act as the Registrar of the said Court for the County of Devon, and the Person so appointed shall hold the said Office during his good Behaviour, and shall perform, exercise, and enjoy, in the said County of Devon, all such and the like Duties, 25 Powers, Authorities, and Privileges as are or may be performed, exercised, or enjoyed in the County of Cornwall by the present Registrar and Prothonotary respectively; and every Appointment of a Registrar under this Act shall be made in like Manner as under the said first-recited Act, and not otherwise; and every Person so appointed 30 may be removed under similar Circumstances and in like Manner as a Registrar appointed under the said first-recited Act, and not otherwise; Provided always, that the said Registrar shall not act or practise as a Barrister or Attorney in the said Court either in Cornwall or Devon- 35 shire.

Registrar's
Office and
Court at
Plymouth.

V. The said Registrar for Devonshire shall, at his own Expense, provide and keep a proper Office in Plymouth for transacting the Business of the said Court, and the said Court shall be held in the Guildhall of the said Borough of Plymouth, or elsewhere in such 40 Place as Her Majesty by the Advice of Her Privy Council shall appoint.

Salary of Registrar for Devonshire.

VI. There shall be paid and payable, in manner herein-after mentioned, to the said Registrar for Devonshire, the Salary of *Three hundred Pounds* Sterling per Annum, and the same shall be paid from Time to Time half-yearly in manner hereby provided, free and
5 clear from all Taxes and Deductions whatsoever, on the Twenty-fifth Day of March and on the Twenty-ninth Day of September in each Year, by equal Portions, the first of such respective Portions to be paid on the Twenty-fifth Day of March next; and that if any Person at any Time holding the said Office shall die, resign, or be
10 removed from the same, he, his Executors or Administrators, shall be entitled to such proportionate Part of his Salary as shall have accrued during the Time that such Person shall have held his Office since the last Payment became due and payable, and the Successor in Office of such Person so dying, resigning, or being removed as afore-
15 said shall be entitled to such Portion of the Salary as shall be accruing or shall accrue from the Day of such Death, Resignation, or Removal.

Registrar for Devonshire to account half-yearly.

VII. The Person so as aforesaid appointed Registrar shall *once* in every Half Year make out a full and true Account of all Fees and other
20 Monies received by him by virtue of this Act during the preceding Half Year, and shall have such Account audited by the said Vice-Warden for the Time being, in which Account and Audit there may and shall be charged and allowed such small Sums of Money as to the Vice-Warden shall seem reasonable for keeping Order in and
25 the lighting, airing, and cleansing the Place in which such Court shall be held, and shall transmit a Copy of such Account so audited to the Auditor for the Time being of the said Duchy.

Registrar for Devonshire to make certain Payments.

VIII. The Registrar for Devonshire for the Time being shall, out of the Monies which shall from Time to Time be in his Hands by
30 means of the Court Fees as aforesaid, and any other Monies which shall come to his Hands under or by virtue of this Act, retain or pay the Salary of such Registrar, and also pay the Salary of the Collector for Devonshire, and also such other small Sums to be allowed as herein-before mentioned, and shall pay or cause to be paid to the
35 Receiver General for the Time being of the said Duchy or his Deputy the Balance remaining in his Hands at the End of the Half Year.

Registrars may act in both Counties.

IX. Any Registrar appointed under the said first-recited Act or under this Act may from Time to Time act as a Registrar of the
40 said Court in the County of Cornwall and in the County of Devon, both or either of them, in the same Manner as if originally appointed for both Counties.

Secretary.

X. The Registrar appointed under this Act, and the Registrar and Secretary for Cornwall may, upon the Request of the Vice-Warden for the Time being, respectively act as Secretary to the said Vice-Warden in and for the County of Devon.

Crier and
Usher for
Devonshire
to be ap-
pointed.

XI. The Vice-Warden for the Time being shall and may appoint a 5
fit and proper Person to be Crier and Usher of his said Court in
Devonshire, who shall hold his Office during the Pleasure of
the Vice-Warden for the Time being, and may be removed in a sum-
mary Manner, and may and shall receive such Fees for acting as Crier
and Usher of the said Court in Devonshire as the said Vice-Warden 10
shall from Time to Time, by virtue of the Provisions herein contained,
authorize.

Collector for
Devonshire
to be ap-
pointed.

XII. It shall and may be lawful for the Vice-Warden for the Time
being from Time to Time to appoint by Writing under the Seal of
his Court a fit and proper Person (who shall enter into such Security 15
as the Vice-Warden for the Time being shall think fit) as Collector
for the said Court in Devonshire, and every such Collector shall hold
his Office during the Pleasure of the Vice-Warden for the Time being,
and may be removed from his Office in a summary Manner; provided,
That the same Person may be appointed as Collector for Cornwall 20
and also as Collector for Devonshire, if the Vice-Warden for the
Time being shall so think fit; and the Collector for Devonshire
(whether the same or a different Person as the Collector for Cornwall)
shall be entitled to and be paid the yearly Salary of
Pounds Sterling for his Services as such Collector for Devonshire, by 25
equal half-yearly Payments on every Twenty-fifth Day of March and
Twenty-ninth Day of September, the first of such half-yearly Pay-
ments to be made on the *Twenty-fifth Day of March* next, and if any
Person at any Time holding the said Office shall die, resign, or be
removed from the same, such Person, his Executor or Administrator, 30
shall be entitled to such Proportion of his Salary as shall have accrued
during the Time that such Person shall have held his Office since the
last Payment became due and payable, and the Successor in Office of
such Person so dying, resigning, or being removed as aforesaid shall
be entitled to such Proportion of the Salary as shall accrue from the 35
Day of such Death, Resignation, or Removal; and the Collector for
Devonshire shall forthwith pay to the Registrar for Devonshire all
Monies which shall from Time to Time come to his Hands as such
Collector under or by virtue of this Act, and shall be allowed the
same on passing his Accounts. 40

Assessment
of *One Far-*
thing in the

XIII. There shall be paid and payable the Sum of *One Farthing* in
the Pound Sterling on the Value of all Metals and metallic Minerals
which

- which shall from Time to Time be brought to Sale in or withdrawn from any Mine or Stream Work in the County of Devon, and the Head Manager of every Mine and Stream Work in the said County of Devon shall, within *Ten* Days after each quarterly Account of the
- 5 Mine or Stream Work over which he is Head Manager shall have been or ought to have been made up, transmit to the Registrar for the County of Devon of the Vice-Warden's Court for the Time being a full, true, and particular Account and Return of all Metals and metallic Minerals which shall have been brought to Sale in or with-
- 10 drawn from the Mine or Stream Work of which he is such Manager during the preceding Quarter, and shall in such Return state the Value in Money of the respective Quantities of the Metals and metallic Minerals specified therein, at the Time the same were respectively brought to Sale or withdrawn as the Case may be; and the Head
- 15 Manager of every such Mine or Stream Work shall, on Application of the Collector for the County of Devon of the Vice-Warden's Court, pay or cause to be paid to such Collector the Sum of *One Farthing* in the Pound Sterling in the aggregate Value of all Metals and metallic Minerals which shall have been brought to Sale or withdrawn from
- 20 such Mine or Stream Work during the preceding Quarter; and every such Payment by such Head Manager shall be considered as Costs, and shall, on passing his Accounts with respect to the Mine or Stream Work of which he is such Head Manager, be allowed to him accordingly.
- 25 XIV. If the Head Manager of any Mine or Stream Work in the County of Devon shall omit to make such full, true, and particular Return as hereby required of the Quantities of Metals and metallic Minerals brought to Sale or withdrawn as aforesaid in the Mine or Stream Work of which he is such Head Manager, or of the Value
- 30 thereof, as is hereby required, or shall, on Demand made, omit to pay or cause to be paid such Assessments as aforesaid, or shall wilfully make any false or incorrect Return, then and in every such Case such Head Manager shall be subject for every such Offence to a Penalty not exceeding *Fifty Pounds*.
- 35 XV. All Penalties recoverable under this Act and the said recited Acts respectively may be recovered by the Registrar for the Time being of the County in which the Offence was committed by Plaintiff in a summary Way in the Court of the Vice-Warden, who is hereby authorized to hear and determine the same.
- 40 XVI. Every Person arrested or taken Prisoner or detained by virtue of any Writ, Process, or Order or Decree, or Proceeding issuing out of any Court, or of any Justice of the Peace, or of any Magistrate, or of any
- [71.] A 3 of
- Pound Sterling on all Metals, &c.; and Head Manager of every Mine and Stream Work in Devonshire to make a Return quarterly of the Quantity and Value.
- Penalty on Head Manager for Omissions, &c.
- Recovery of Penalties.
- The Borough Gaol of Plymouth to

be the Prison
of the Vice-
Warden's
Court for
the County
of Devon.

of or from or by either Side of the said Court of the Vice-Warden of the Stannaries in or for the County of Devon, or committed in the said County for Contempt of the said Court, shall be taken to the Gaol of the Borough of Plymouth, which said Gaol shall for all Intents and Purposes be the Gaol of the said Court in and for the said County, and the Gaoler or Keeper for the Time being of the said Gaol is hereby authorized and required to receive into such Gaol every such Person, and to maintain, support, and provide for him in like Manner as is mentioned in the first-recited Act with respect to the Gaoler at Bodmin; and all and singular the Charges and Expenses of maintaining, supporting, and providing for every such Person as aforesaid shall be paid and defrayed out of such Portion of the County Rate of the said County of Devon as for the Time being shall be applicable to the Support of the Debtors confined in the Gaol or Prison of the said County.

15

Provisions
of recited
Acts ex-
tended to
this Act.

XVII. All and singular the Enactments and Provisions of the said recited Acts respectively which now remain in force shall, so far as the same are not inconsistent with any of the Provisions of this Act, extend and apply, mutatis mutandis, to the County of Devon, and to all Persons, Places, Mines, Minerals, Matters, and Things in the said County or in this Act mentioned, in the same Manner as they now do to the County of Cornwall; or to Persons, Places, Mines, Minerals, Matters, or Things in the said County or in the said Acts respectively mentioned, and as if the same Enactments and Provisions were here repeated verbatim, with such Alterations only as may be necessary to make the same respectively extend and apply as aforesaid, and the said recited Acts and this Act shall be construed together as One Act.

Definition
of Mines
worked on
the Cost-
Book Sys-
tem.

XVIII. And with respect to Mining Partnerships, be it enacted, as follows: No Partnership for the working of any Mine or Mines within the Counties of Cornwall and Devon or either of them shall be deemed a Partnership formed for the working of Mines or Minerals on the Principle commonly called the Cost-Book Principle, within the Meaning of an Act passed in the Eighth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies," unless and until such Partnership shall, if the Mine or Mines worked by it or any Part thereof be situate in the County of Cornwall, make or cause to be made to the Registrar for Cornwall of the said Stannaries Court, or, if the Mine or Mines worked by it or any Part thereof be situate in the County of Devon, shall make or cause to be made to the Registrar for Devonshire of the said Stannaries Court a Return in Writing of the following Particulars, signed by the Purser,

30

Purser, Manager, or Committee of Management of the Partnership;
(that is to say,)

1st. The Name or Style of the Partnership;

2d. Its Place or Places of Business;

3d. The Number of Shares into which such Partnership is divided:

4th. The Name and Address of the Purser, Manager, or Committee of Management (as the Case may be);

5th. A Declaration that the Partnership is formed for the Purpose of working a Mine or Mines on the Cost-Book System.

01
10 XIX. A Book or Books shall be kept by the Purser, Manager, or Committee of Management (as the Case may be) of every Mine worked on the Cost-Book System, to be called the "Cost Book," in which shall be entered the Name or Place or Places of Business of the Partnership, the Number of Shares into which it is divided, the Names of the Shareholders, the Number of Shares held by each, the Amount paid and the Calls (if any) due upon the same, all Relinquishments and Transfers of Shares, the Minutes of all General Meetings of the Shareholders, and a Debtor and Creditor Account of all Disbursements and Receipts of the Partnership, and of all Monies owing to it or by it, 20 such Cost Book to be open to the Inspection of the respective Shareholders in the Partnership at all reasonable Times, and so much and such Parts of the said Book or Books as shall contain the Names of the Shareholders, the Number of Shares held by each, and all Relinquishments and Transfers of Shares, shall be open to the Inspection of 25 any Creditor of the said Partnership at all reasonable Times.

Cost-Book
to be kept.

02 XX. General Meetings of all the Shareholders in Mines worked on the Cost-Book System shall be called once in every *Two Months*, by Notice in Writing to each Shareholder (such Meetings to be adjourned, if necessary, from Time to Time); and at such Meetings each 30 Shareholder shall have One Vote in respect of each Share held by him, which Vote he shall be entitled to give either in Person or by Proxy, and a Balance Sheet of the Accounts of the Mine, together with a Report of the Works, shall be submitted by the Purser, Manager, or Committee of Management to every such General Meeting; and 35 such General Meetings shall have Power to declare Dividends, appoint or remove any Officers of the Partnership, change the Name or Place of Business of the Partnership, continue, suspend, enlarge, contract, or put a stop to the working of the Mine or Mines, or to wind up the Affairs of the Partnership; and a Majority of the Shareholders present at any 40 such General Meeting shall be sufficient to determine all such Matters, except that a Majority of *Three Fourths* shall be necessary to change the Name or Place of Business of the Partnership, or to suspend or put a stop to the working of any Mine or Mines, or wind up the Affairs of the Partnership.

General
Meeting of
Shareholders
every Two
Months.

Shareholders
may cause
Extraordi-
nary General
Meetings
to be sum-
moned.

XXI. Any Holder or Holders of Parts in the Partnership of a Mine worked on the Cost-Book System shall have Power to require the Purser, Manager, or Committee of Management to summon an Extraordinary General Meeting of all the Shareholders for any special Purpose or Business therein specified, and in the event of his 5 or their refusing or neglecting for the Space of Days so to do it shall be lawful for such Holder or Holders to summon an Extraordinary Meeting for such special Purpose or Business: Provided always, that any such Extraordinary Meeting shall not transact any Business or Matter not specified in such Request or Summons as 10 aforesaid.

Shares may
be relin-
quished.

XXII. Upon any Shareholder in a Mine worked on the Cost-Book System giving Notice in Writing to the Purser, Manager, or Committee of Management of his or her Intention to relinquish his or her Share or Shares in such Mine, and paying all Calls made on such 15 Share or Shares, it shall be the Duty of the Purser, Manager, or Committee of Management to register such Notice of Relinquishment in the Cost Book, whereupon all Interest of such Shareholder in any of its Goods, Chattels, Effects or Credits, and all Liability of such Shareholder in respect of subsequent Debts and Liabilities of the Partnership, shall 20 absolutely cease and determine.

Transfer of
Shares.

XXIII. Upon any Shareholder in a Mine worked on the Cost-Book System giving Notice in Writing to the Purser, Manager, or Committee of Management of his having consented to transfer his or her Share or Shares to any Person or Persons named in such Notice, and 25 of such Person or Persons having consented to accept the same, which Notice shall be signed by the said Shareholder and the said other Person or Persons, and may be in the Form or to the Effect of the Notice marked (A.) in the Schedule to this Act annexed, and upon Payment of all Calls made upon such Share or Shares (but not otherwise), 30 such Purser, Manager, or Committee of Management shall forthwith register such Notice of Transfer in the Cost Book, whereupon such Share or Shares shall be deemed to be to all Intents and Purposes transferred.

Shares of
limited
Liability in
Cost-Book
Mines.

XXIV. And whereas it is expedient to afford to Partnerships for 35 working Mines on the Cost-Book System Facilities for increasing their Capital, and many Persons would contribute thereto, on the Terms of participating in the Profits, if their Liability were limited to a definite Amount: Be it enacted, That any Partnership for working Mines in Cornwall or Devonshire on the Cost-Book System, having 40 registered as aforesaid, shall be entitled to issue Shares not exceeding in Number *One Fourth* of the whole Number of Shares of the Partnership,

ship, to be called "limited Shares," and to fix the Amount payable on such Shares, and the Time for the Repayment of the same; and the Holder of any such Share shall be liable in his or her Person or Property for the Debts, Contracts, Engagements, and Liabilities of
5 such Company to the Extent only of the Amount payable on such Share held by him or her, or such Portion thereof as shall remain unpaid.

XXV. No Holder of any such Share shall in any Manner interfere in the Management of the Business of the Company; and in case he
10 shall so interfere such Shareholder shall thenceforth be liable to the Debts, Contracts, Engagements, and Liabilities of such Company, in like Manner and to the same Extent as if he then became an ordinary Shareholder or Partner therein; provided, that such Shareholder shall at all reasonable Times be permitted to inspect the Books and
15 Accounts of the said Company, and such Inspection shall not be deemed an Interference within the meaning of the Provision hereinbefore contained.

Such Shareholders not to interfere in the Management.

XXVI. From and after the Time fixed as aforesaid for the Repayment of such Shares, it shall be lawful for the said Company, if they
20 shall think fit, to repay to the Holder of any such Share the Amount which shall have been paid by him in respect thereof; and the Holder of any such Share shall, from and after the Time aforesaid, be entitled to require to be repaid the Amount which shall have been paid by him in respect thereof; provided the Assets of the said Company
25 shall at the Time of such Requisition be sufficient to satisfy all the Debts and Liabilities of the said Company.

Provision for Repayment of Shareholders.

XXVII. The Holder of any such Share shall pay up the Amount of the same, either in One Sum or by Instalments, and at such Time or Times as the said Company shall require; provided, that all Calls
30 shall be made equally on such Shareholders, and that the whole Amount which shall have been called up on the limited Shares shall not at any Time exceed the whole Amount which shall have been called up on the unlimited Shares.

Calls on limited Shares.

XXVIII. Every Company issuing such limited Shares shall register
35 with the Registrar of the County in which the Mine or Mines of such Company shall be situated the Number of limited Shares issued by such Company, the Amount payable thereon, the Time when the Holders thereof shall be entitled to Repayment, together with the Name, Address, and Occupation of every Holder of such Shares, and shall once in every
40 Year, between the *First and Fourteenth Days of January*, register the Amount of the Capital paid up in respect of such Shares, and when

Registry of limited Shares.

and as often as the Amount advanced in respect of any such Share shall have been repaid shall enter the Fact of such Repayment on the Registry of such Share.

Commence-
ment of Act.

XXIX. This Act shall come into operation on the *Twenty-ninth Day of September in the present Year.*

5

The SCHEDULE referred to by the above Act.

(A.)

To the [Purser, or Manager, or Committee of Management, (*as the Case may be,*)] of the [*Name of the Mine or Company*].

Take notice, That [I or we] the undersigned [*Name or Names*], being the [Owner or Owners] of the [Share or Shares] in the above [Mine or Company] numbered [*respectively*], have consented to transfer such [Share or Shares] to [*A.B.* of], and that I the said [*A.B.*] have consented to accept of such Transfer, and you are hereby required to enter and register this Notice in the Cost Book of the said [Mine or Company], pursuant to the Statute in such Case made and provided. As witness our Hands, this

Day of

18 .

Signature of the Parties.

Stannaries Court.

(No. 2.)

A

B I L L

To extend the Jurisdiction of the Stannaries Court, and to regulate Cost-Book Mines.

(*Prepared and brought in by
Mr. Collier and Mr. Moffatt.*)

*Ordered, by The House of Commons, to be Printed,
11 April 1854.*

[Bill 71.]

Under 2 oz.

17 July 1854. 17 & 18 VICT.



A

B I L L

TO

Continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS an Act was passed in the Fourth Year of the Preamble.
Reign of Her present Majesty, intituled “An Act to 3 & 4 Vict.
“ exempt until the Thirty-first Day of December One c. 89.
“ thousand eight hundred and forty-one Inhabitants of Parishes,
5 “ Townships, and Villages from Liability to be rated as such in
“ respect of Stock in Trade or other Property to the Relief of the
“ Poor:” And whereas the said Act has been since continued by
sundry Acts until the First Day of October in the Year One thousand
eight hundred and fifty-four, and to the End of the then next Session
10 of Parliament; and it is expedient that the said Act should be further
continued: Be it enacted by the Queen’s most Excellent Majesty, by
and with the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, That the said Act shall continue in force
15 until the *First Day of October in the Year One thousand eight* Recited Act
hundred and fifty-five. further con-
tinued.

[Bill 221.]

Stock in Trade Exemption.

A

B I L L

To continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

(*Prepared and brought in by*
Mr. FitzRoy and Viscount Palmerston.)

Ordered, by The House of Commons, to be Printed,
17 July 1854.

[Bill 221.]

Under 1 oz.



A

B I L L

TO

Amend the Law of Succession to Real Estate.

WHEREAS it is expedient that the Law of Succession to Preamble.
Real Estate in Cases of Persons hereafter dying intestate
should be the same as the Law of Succession to Personal

Estate in the like Cases : Be it therefore enacted by the Queen's most
Excellent Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, That the Court entitled
to grant Administration of the Goods and Chattels of any Person who
shall hereafter die intestate shall be authorized and required to include
in such Grant of Administration all Lands, Tenements, and Heredita-
ments, whether Freehold, Copyhold, or of any other Tenure or Kind,
whereof the Intestate shall have died seised or possessed, or whereunto
or wherein he shall have been in any way entitled or interested, all
which Lands, Tenements, and Hereditaments, Title and Interest,
shall thereupon vest in such Administrator as from the Death of
such Intestate, as fully as the same were respectively vested in such
Intestate ; and such Administrator shall be authorized and required
(after all Debts, Funeral and just Expenses of every sort, first allowed
and deducted,) to distribute the whole of such Lands, Tenements, and

In Cases of
Persons dy-
ing intestate,
all Real
Estate to be
included in
Grant of Ad-
ministration.

[Bill 16.]

Hereditaments,

Hereditaments, or the Proceeds of the Sale thereof or of any Part thereof, and of all Title and Interest of the Intestate to and in such Lands, Tenements, and Hereditaments, to such and the same Persons and in the like Proportion, and Manner as such Administrator is now by Law required to distribute the Personal Estate of such Intestate.

Succession to Real Estate.

A

BILL

To amend the Law of Succession to Real
Estate.

(*Prepared and brought in by*
Mr. Locke King, Mr. Plims, and Mr. Hadfield.)

Ordered, by The House of Commons, to be Printed,
14 February 1854.

[Bill 16.]

Under 10s.

Tenants Compensation (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Glossary ; Sect. 1.

Short Title of Act ; 2.

Persons entitled to improve under this Act ; 3.

Classes of Improvements. Compensation not be allowed in certain Cases ; 4.

A Notice of intended Improvements to be served on Landlord ; 5.

Landlord or Owner may undertake to execute the Improvements ; 6.

When Notice shall not have been served, Tenant may commence his Improvements ; 7.

Tenant having executed Improvements, to make a Declaration ; 8.

Declaration to be conclusive Evidence that the Act has been complied with ; 9.

Recovery of Compensation on Determination of Tenancy and Possession ; 10.

For Recovery of Amount claimed by Tenant ; 11.

Landlord's Grounds of Defence to Tenant's Claim under this Act ; 12.

Landlord may set off Cross Demands ; 13.

Tenant to be entitled to Compensation for Improvements made before the passing of this Act, on determination of Tenancy and Possession.

By whom Improvements presumed to have been made ; 14.

Staying Execution in Ejectment where registered Claim for Compensation subsists ; 15.

Tenant, on giving up Possession, entitled to Remuneration ; 16.

If Landlord, after the Time when the Tenant could commence Improvements, and before the Registration of the Declaration shall proceed to evict Tenant, such Tenant may proceed by Civil Bill Process against such Landlord for Compensation ; 17.

Assistant Barristers to settle Schedule of Fees ; 18.

Formr to be provided by the Clerk of the Peace ; 19.

Schedules Part of the Act ; 20.

Not to affect any Usage or Custom relating to outgoing or incoming Tenants ; 21.

Act only to extend to Ireland ; 22.

SCHEDULE.

21 February 1854. 17 VICT.



(Ireland.)

A

B I L L

TO

Provide Compensation for Improvements made by Tenants in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS it has long been the Practice in Ireland that Preamble.
Lands are let to the Tenants occupying the same on
determinable Tenures, or from Year to Year, without
written Agreement, and without any suitable Farm Houses, Farm
5 Buildings, or other necessary Conveniences for residing on and culti-
vating the said Lands, or any sufficient Allowance given or engaged
to be given in Consideration thereof, or of any Expenditure necessary
or proper to be incurred for Draining or otherwise improving the Soil,
or for erecting the necessary Adjuncts to a Farm without which in
10 England and Scotland no Tenant would be found to rent it; and it
would tend to the Improvement and better Cultivation of the Land if
Provision were made by the Law for securing to Tenants the proper
Benefit of Expenditure, either in Capital or Labour, made by them
on the Land in their lawful Possession; and it is likewise expedient to
15 provide Compensation for Improvements in certain Cases for outgoing
Tenants: Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, as follows:

[Bill 20.]

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I. In

Glossary.

I. In the Construction of this Act the following Words and Expressions shall have the Force and Meaning hereby assigned to them, unless there be something in the Subject or the Context repugnant thereto :

- “ Person :” The Word “ Person ” or “ Party ” shall extend to and include any 5
Body Politic, Corporate, or Collegiate, whether aggregate or sole,
or any public Company, as well as a private Individual :
- “ Landlord :” The Word “ Landlord ” shall be construed to mean the Person or
Party for the Time being entitled to a vested Right to the Pos-
session of his Tenant’s Land immediately on the Determination 10
of such Tenant’s Interest, the Person or Party in the Receipt of
the Rent payable by such Tenant (including a Receiver appointed
by the Court of Chancery) being deemed to be rightfully
entitled to such vested Right, and shall include the Person or
Party entitled as aforesaid at the Time of the Determination of a 15
Tenancy ; and shall also include the Person equitably entitled to
and in receipt of the Rents and Profits, whether the Interest of
such Landlord (legal or equitable) shall have been acquired by
original Contract, lawful Assignment, Devise, Bequest, or Act
or Operation of Law : 20
- “ Tenant :” The Word “ Tenant,” unless otherwise restricted, shall be con-
strued to mean a Person or Party in the actual and lawful
Occupation of Land let for Pasture or Cultivation, and which
shall not have been let for One or Two Seasons only, or for
a special or temporary Purpose, but shall be held by such 25
Person or Party as Tenant from Year to Year, or for a Term of
Years, absolute or determinable on the dropping of a Life or
Lives, or for a Term of Life or Lives ; and shall include the
lawful Representatives of such Tenant, and generally all Parties
claiming or deriving Title from, through, or under such Tenant 30
by lawful Assignment, Devise, Bequest, or Act or Operation of
Law :
- “ Owner :” The Word “ Owner ” shall imply the Landlord in the actual
Receipt of the Rents having an Estate in the Reversion not less
than for the Time of his own Life, or an unexpired Term of 35
Sixty Years, whether determinable or not on a Life or Lives :
- “ Lease :” The Word “ Lease ” shall include every Instrument in Writing,
whether under Seal or not, containing a Contract of Tenancy
in respect of any Lands, Tenements, or Hereditaments, for a
definite Period of Time, whether absolute or contingent on some 40
Event, or for One or more than One Life, in consideration of a
Rent :
- “ Rent :” The Word “ Rent ” shall include any Sum in the Nature of Rent
and payable by way of Compensation, for the permissive Occu-
pation of any Land : 45

The Expression "Assistant Barrister" shall extend to and include "Assistant Barrister:" the Recorder of the City of Dublin, and the Chairman of the Sessions of the Peace for the County of Dublin:

5 The Expression "Clerk of the Peace" shall extend to and include "Clerk of the Peace:" the Registrar of the Chairman of the Sessions of the Peace of the County of Dublin so long as such Registrar shall continue in Office, and the Registrar of Civil Bills for the City of Dublin, and also the Acting or Deputy Clerk of the Peace or Registrar, or other Officer discharging the Duties of such Clerk of the
10 Peace or Registrar:

The Expression "the Court of Chancery" shall include any Branch "The Court of Chancery:" of that Court, or any Officer thereof, to which or to whom the Lord Chancellor for the Time being may delegate or appoint any of the Duties or Powers imposed or conferred by this Act:

15 The word "serve" shall be construed to mean either personal "serve:" Service, or Service on the Attorney, Agent, Bailiff, Steward, or Receiver of the Person to be served, or Service by Delivery at the Place of Abode of the Person to be served:

The word "County" shall extend to and include a County of a "County:"
20 City, and County of a Town, and a Riding of a County; and where any Land shall be situate within One or more District or Division, County or Riding, such Land shall be deemed for the Purposes of this Act to be situate within the District, Division, County, or Riding within which the greater Part of such Land
25 shall be situate.

II. In citing this Act in other Acts of Parliament, and in legal Short Title of Act. or other Instruments and Proceedings, it shall be sufficient to use the Expression "The Tenants Improvements Compensation Act (Ireland), 1853."

30 III. Every Tenant as herein-before described shall be empowered to claim Compensation for Improvements under this Act. Persons entitled to improve under the Act.

With respect to the Classes of Improvements for which Compensation may be recovered under this Act, be it enacted as follows:

IV. The Improvements which shall confer the Right of Compen-
35 sation under this Act shall fall within some One or more of the following Classes; (that is to say,) Classes of Improvements.

1. The erecting on any Lands of any Farm House or Farm Building Farm Build-
for Agricultural Purposes suitable to the holding or the en- ings.
larging, enclosing, or extending of any such Farm House or
40 Building erected or to be erected thereon, so as to tender the same more suitable to the Holding:

[20.]

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2. The

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| | 2. The reclaiming of Waste Land or cut-out Bog Ground by converting the same into Arable or Pasture Land : | |
| Boundary Fences. | 3. The making of any Boundary Fences : | |
| Farm Roads. | 4. The making of any Farm Road : | |
| Draining and Irrigation. | 5. The main draining or thorough draining of Land or the Improvement of it by Irrigation : | 5 |
| Clearing. | 6. The Improvement of Land by clearing away Rocks and Stones : | |
| Other improvements. | 7. Any other Agricultural Improvement specified in the Land Improvement Act, 10 & 11 Vict. c. 32., and by which the annual Value of the Holding shall be or shall have been permanently increased. | 10 |

Compensation not to be allowed in certain cases.

Provided, however, that no Right to Compensation shall arise under this Act in respect of any Improvements which shall have been made in pursuance of any Contract binding the Tenant to make the same or like Improvements, or which shall have been executed in consideration of any Reduction or Abatement of Rent made at the Commencement or at any other Period of his Tenancy, nor in any Case of Ground let for building, or let by the Foot or other local Measurement, calculated upon the Extent of Frontage to any Road or Street, or let by Measurement, or under Provisions denoting that such letting was intended for the Purpose of building ; nor in any Case where Lands are let in or for Con-acre, for the Purpose of cropping or depasturing for One Season or Two Seasons only, or for a special or temporary Purpose ; nor to any Case where any House or other Building shall form the principal Subject of Demise ; nor to any Parks or Demesnes ; nor for any Buildings hereafter to be erected, unless the same shall be erected in a permanent and durable Manner, the Walls being built of Stone and Mortar, or Brick and Mortar, and well covered in with Tiles or Slates ; and when there shall be any Dwelling House upon the Lands of any Tenant at the Time of the Service of any Notice of Improvements, the building of an additional Dwelling House thereon shall not be deemed an Improvement within the Meaning of this Act, unless the same shall have been built with the Consent in Writing of the Owner of the Land, nor for a Second Dwelling House in any Case where the Lands of the Tenant shall not lie altogether, unless the Owner, before such Improvements shall have been commenced, have consented in Writing to the Erection thereof ; nor for Cottages or other Buildings erected without the like Consent, for the Purpose of sub-letting, or for any other Purpose than the actual Occupation thereof by the Tenant ; and no Compensation shall be allowed for any of the above-mentioned Classes of Improvements which were not required for or shall not be suitable to the Tenant's Holding ; and nothing shall be deemed an Improvement under this Act which shall not have reference solely to

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an Increase of the Agricultural Value of the Holding on which such Improvement shall have been made.

V. Every such Tenant intending to avail himself of the Benefit of this Act shall fill up a Notice according to the appropriate Form No. 1. A Notice of intended Improvements to be served on Landlord.
 5 in the Schedule to this Act annexed, and shall, *Three Months* previously to the Commencement of any Improvements for which Compensation may be claimed under this Act, serve or cause to be served on the Person actually in receipt of the Rent of his Holding, or the known Agent or Receiver of such Person, the said Notice, or a
 10 true Copy thereof.

VI. When and so soon as such Notice shall have been served, it shall be lawful for the Landlord served with such Notice, or for any Person who shall be an Owner of the said Lands within the Meaning of the "*Land Improvement Act (Ireland), 1853,*" or the known Agent
 15 of such Landlord or Owner, at any Time within *Three Months* from the Service of such Notice, to serve on the Tenant giving such Notice of intended Improvements, a Counter Notice to the Effect that such Landlord or Owner elects and undertakes to take within *Three Months* effectual Proceedings to execute the proposed Improve-
 20 ments, and as to all such Improvements, except those under Class Two, to execute the same within *Three Months* from the Date of such Counter Notice ; and the said Landlord or Owner, on completing such Improvements proposed by the said Notice in a good and sufficient Manner, may thereupon charge the said Tenant, his Representatives
 25 or Assigns, with a yearly Sum not exceeding the Rate of *Five* per Cent. in each Year on any Sum which may have been agreed upon between them, or on the Sum stated in the Notice of the Tenant actually and properly expended in making and so completing the said Improvements, and which shall have been ascertained by the Decla-
 30 ration of the Landlord in the Form No. 2. in the Schedule to this Act annexed, or to the like Purport and Effect, which Declaration shall be signed and declared by him, and a Copy thereof served on the Tenant, and be attested, deposited, and registered, and a Registry Certificate thereof granted, and the Contents of such Certificate
 35 received in Evidence, and shall be liable to Impeachment on the Part of the Tenant, in the Manner herein-after provided in respect of Declarations to be signed and declared by Tenants ; which said yearly Sum shall thenceforth be deemed and taken to be a Part of the yearly Rent payable by such Tenant for his said Farm, and recoverable by
 40 all the Ways and Remedies available for the Recovery of the Rent aforesaid, or may otherwise be considered to be a separate and distinct Demand, recoverable by Civil Bill Process, for each Gale or Pro-

portion thereof which may become due on any Gale Day as aforesaid after the Completion of the said Improvements.

When Notice shall not have been served, Tenant may commence his Improvements.

VII. In every Case in which the Counter Notice by the Landlord or Owner undertaking to execute the Improvements mentioned in the Tenant's Notice shall not have been served, or, having been served, shall not have been acted upon, it shall be lawful for such Tenant to commence and execute the proposed Improvements.

Tenant having executed Improvements, to make a Declaration.

VIII. It shall be lawful for any Tenant having executed any Improvements as aforesaid to make a Declaration in the Form No. 3. in the Schedule to this Act annexed, or to the like Purport and Effect, such Declaration to be signed and declared by the Tenant in the Presence of the Clerk of the Peace or of a Justice of the Peace in and for the County in which such Improvements are made, who are respectively required to attest the same without Fee or Reward; and the said Declaration so made shall be deposited with the Clerk of the Peace, and registered by him in a Book, which Book he is hereby required to provide for the Purpose, with an Index thereto, such Book to be called the "Register of Improvements;" and the Clerk of the Peace shall be entitled to demand and receive a Fee of *Two Shillings and Sixpence* for the Deposit and Registration of every such Declaration; and such Clerk of the Peace shall deliver, without further or other Fee, a Registry Certificate of the said Registration to the Person making such Registry, and shall also deliver a compared and certified Copy of such Declaration upon Payment of a Fee of *Two Shillings and Sixpence*, and no more; and every such Copy purporting to be signed by the said Clerk of the Peace shall be received in any Court as Evidence of the Contents thereof, in the same Manner as if the Original had been produced and proved; provided also, that it shall be lawful for any Person, at all convenient Times, and on Payment of a Fee of *Sixpence* to such Clerk of the Peace, to inspect any Register and Index as aforesaid; and if any Clerk of the Peace in Ireland shall refuse or wilfully omit to perform any Act which he is hereby, or by any other Provision in this Act contained, required or directed to do, he shall forfeit and pay to the Party thereby aggrieved the Sum of *Five Pounds* for every such Refusal or Omission, such Sum to be recovered by Civil Bill Process before the Assistant Barrister, in the same Manner as if it were a Debt due by the Person so refusing or omitting to the Party thereby aggrieved.

Declaration to be conclusive Evidence that

IX. Notice that the Declaration has been so registered as aforesaid, and a Copy of said Declaration shall be served by the Tenant registering the same on the Landlord; and if the Landlord does not

within

within *Six Months* proceed, as herein-after mentioned, to impeach such Declaration, then it shall be conclusive Evidence that the Provisions of this Act as to all preliminary Proceedings have been complied with, and that the Improvements specified in such Declaration have been completed: Provided always, that every Person affected by such Declaration may impeach the same on any Ground within *Six Months*, and on the Ground of Fraud with *One Year* from the Date of such Registry, and that the Mode of impeaching such Declaration shall be by Notice from the Landlord or Person affected thereby, to the Tenant, stating the Grounds of Impeachment, and requiring the Tenant to appear before the Assistant Barrister of the County or Riding, at the next Quarter Sessions for the District in which the Lands are situate, to be held not less than *Fifteen Days* thereafter, which Notice shall be served on the Tenant *Fifteen Days* at least before such Quarter Sessions; and the said Assistant Barrister shall hear and determine the said Matter, and shall have the Power to take Evidence upon Oath, and to compel the Attendance of Witnesses, as in other Cases; and the said Assistant Barrister may order the said Declaration to be removed from the Registry, or any Part thereof to be expunged, or make such other Order thereon, with reasonable Costs, as shall appear to be just; and it shall be competent for any Party who has appeared before the Assistant Barrister to appeal from his Decision to the next going Judge of Assize, if the Lands shall be situate elsewhere than in the County or County of the City of Dublin; and if situate in the County or County of the City of Dublin, then to the Judge of the Consolidated Nisi Prius Court, Dublin, at the next Sitting of said Court, first giving to the Persons who appeared on the opposite Side due Notice of his Intention to appeal at least *Fifteen Days* before the Commencement of said Assizes or Sitting of said Court, provided so many Days shall intervene; and in other Cases it shall be lawful for such Party to appeal to the next subsequent Assizes or Sitting of said Court, giving a similar Notice of Appeal.

the Act has been complied with.

X. If any Landlord or Owner, after the Registration of such Declaration as aforesaid, where such Declaration shall not have been successfully impeached, shall proceed by any Process of Law against such Tenant for the Purpose of evicting the Interest of such Tenant, or his Possession shall determine in any Holding upon which such Improvements shall have been made on the Determination of the Tenancy by Effluxion of Time or otherwise, it shall thereupon be lawful for such Tenant to proceed against the Landlord or Owner for the Recovery of such Compensation as shall be allowed by the Provisions of this Act, but subject to such Grounds of Objection or Defence (if any) as are hereafter provided; and in order to

Recovery of Compensation on determination of Tenancy.

ascertain the Value of the Improvements to be compensated for, and the Sum of Money to be paid for them, it shall be lawful for any Tenant whose Possession shall have so determined, or against whom his Landlord shall proceed by any Process of Law for the Purpose of evicting the Interest of such Tenant in any Hold- 5 ing upon which Improvements entitled to Compensation under the Provisions of this Act shall have been made, to proceed against the Landlord for the Recovery of the Sum due to him on account of such Improvements, when the same shall be ascertained, in the Manner following: The Tenant shall serve upon his Landlord a Notice of 10 Claim in Writing, which shall state the Amount demanded by him as a Compensation for the Improvements duly executed by him and set forth in his Declaration registered as aforesaid, and if, within *Three* Months after the Service of such Notice, the Landlord or his Agent shall not have agreed in Writing to pay the Amount claimed, or some 15 other Amount in lieu of it which the Tenant in Writing shall have agreed to accept, or shall not have come to some other Agreement in respect to the Occupancy of the Land upon which such Improvements shall have been made, it shall be lawful for the Tenant to proceed against the Landlord or Owner for the Recovery of the Amount 20 of his Claim or such Part thereof as he shall prove to be entitled to, but subject to such Grounds of Defence if any, and to such Set-off and Deductions as are hereafter mentioned, and provided that the Tenant shall in no Case be entitled to recover more than the Balance of the true and real Value of the Improvements in their actual Condi- 25 tion at the Time of the Termination of the Tenant's Possession after all just and proper Deductions and Allowances.

For Reco-
very of
Amount
claimed by
Tenant.

XI. When the Amount claimed by the Tenant as aforesaid shall not exceed *Forty Pounds*, the same may be sued for by Civil Bill in the Court of the Assistant Barrister, subject to the like Appeal from 30 Decree or Dismiss, in the same Manner and under the same Regulations as are at present or may hereafter be in force, in relation to other Appeals in Civil Bill Actions; and if the Amount claimed by the Tenant shall exceed *Forty Pounds*, the same shall be sued for by Action in any of the Superior Courts of Common Law at Dublin. 35

Landlord's
Grounds of
Defence to
Tenant's
Claim under
this Act.

XII. In any Action or other Proceeding brought or taken by any Tenant for any Sum to which he shall be entitled as Compensation under this Act, it shall be lawful for the Landlord against whom such Action or other Proceeding shall be brought, if necessary, to avail himself of the Matters following by way of Defence to such 40 Claim; (that is to say,)

That the Tenant, subsequently to the making of the Improvement or Expenditure for which he claims Compensation, and after the
passing

passing of this Act, did, without the Consent in Writing of his Landlord, or the known Agent or Receiver of such Landlord duly authorized in that Behalf, unlawfully sublet or subdivide all or some Part of his Holding; and it shall not be necessary for such

5 Landlord to produce in Evidence or prove the Deed or Instrument (if any) by which subletting of such Holding was made:

That the Landlord, at a Date not less than Months before the Determination of the Tenancy, served a Notice on the Tenant in the Form No. 4. in the Schedule to this Act annexed, of his Willingness to continue such Tenant or any solvent Person

10 to whom such Tenant might sell or assign his Interest in the Occupation of his Holding, and in the Improvements thereon at such annual Rent as should be ascertained and determined by any Person to be named by such Landlord, or, in case of Objection made by the Tenant to such Person by any Person be agreed upon

15 between the Parties, or by Two Referees, One to be chosen by each Party, or an Umpire to be named by such Referees before proceeding to inspect the Premises, to be after Allowance made to such Tenant for any Increase of annual Value arising from his Improvements, a fair Rent for such Holding; such other Terms

20 or any of them being added to such Notice, if the Landlord shall think fit, as are in the said Schedule after the said Form set forth; or in the Case of Improvements made within the Period of *Seven* Years next before the Valuation of such Holding, under the Provisions of an Act passed in the Session of the Parliament of the

25 Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled "An Act to amend the Laws relating to the Valuation of "rateable Property in Ireland," at a Rent not exceeding such Valuation, and that the Tenant after the Service of such Notice declined or omitted to accept the Offer therein contained, or that,

30 accepting the Offer of Permission to sell his Interest in his Holding and Improvements, he proposed no Person as Purchaser thereof who could be considered a solvent Tenant, or was not open to reasonable Objection on the Part of the Landlord.

XIII. In all Cases in which the Person liable to the Payment of Landlord

35 any Sum of Money for Compensation shall be entitled as against the Person claiming the same to any Cross Demand or Deduction for or in respect of any Dilapidation, Want of sufficient Repair, Waste, or Destruction of or in the Improvements for which Compensation is so claimed, or shall be entitled to any Arrear of Rent not exceeding *Two Years' Rent*,

40 due out of such Holding, or to any Sum or Sums of Money or Damages for or in respect of Rates, Taxes, or Assessments left unpaid by such Tenant, or for or in respect of the Breach of any Covenant or Agreement in respect of such Holding which the Person claiming such

[20.] B Compensation

may set off Cross Demands.

Compensation or the Party under whom he derives Title was bound to fulfil, it shall be lawful for such Person liable to the Payment of such Sum of Money to set off in any Action, Civil Bill, and other Proceeding for the Recovery of such Sum of Money, the Amount of such Deduction, Arrear of Rent not exceeding Two Years' Rent, 5 Sum or Sums of Money, or Damages against the Amount to which the Person claiming such Sum of Money shall be entitled; and it shall be competent for the Court which shall adjudicate on any such Tenant's Claim, at the same Time, and by the same Decree or Judgment or Order, to adjudicate on such Set-off or Cross Demand, either by 10 deducting the Amount thereof from the Claim, or by giving a Decree or Verdict or Order for the Defendant, in Cases where the Amount established as a Set-off or by way of a Cross Demand shall exceed the Amount which the Tenant is entitled to recover: Provided always, that in Civil Bill Proceedings Notice of such Set-off or Cross Demand 15 in Writing, signed by the Defendant or his Attorney, shall be given at least *Six* Days before the Day of the Quarter Sessions, Assizes, or Sittings at which the Case may be first heard, which Notice shall contain the full Particulars of such Set-off or Cross Demand, and that in Proceedings in the Superior Courts such Set-off or Cross Demand 20 shall and may be established or relied on in the same Way as Matters of Set-off may be relied on or established by the Practice of the Superior Courts.

Tenant to be entitled to Compensation for Improvements made before the passing of this Act on determination of his Tenancy.

XIV. If any Tenant, or those under whom he derives, at any Time before the passing of this Act shall have executed Improvements 25 in his Holding coming under any of the Classes and subject to the Provisions in this Act before mentioned, as properly required for and suitable to the Holding and adding to its letting Value for Agricultural Purposes, and if the Landlord for the Time being shall proceed by any Process of Law against such Tenant for the Purpose 30 of evicting his Interest in any Holding on which such Improvements shall have been so made, on the Determination of the Tenancy by Effluxion of Time or otherwise, it shall be thereupon lawful for such Tenant, subject nevertheless to the Provisions herein-after contained, to make Claim against and to recover from such Landlord a just and 35 reasonable Compensation for such Improvements according to their actual Value; and the like Notice of such Claim shall be given, and such Claim shall be adjudicated upon in the same Manner, and shall be subject to the like Grounds of Defence, Cross Demands, and Deductions, as in the Case of Claims of Compensation for Improvements to 40 be made after the passing of this Act; and the Arbitrators to whom the Claim of such Tenant may be referred, or the Assistant Barrister or Judge, shall make their or his Award or Decree in favour of such Tenant for such reasonable Amount of Compensation, if any, as they shall consider him entitled to after all proper Deductions and Allowances, 45
having

having due Regard to the Length of Enjoyment of such Improvements, the present Value of the same to the Holding, the Expenditure actually made by such Tenant, or by those under whom he derives, in such Improvements, and the other Circumstances under which they were made or enjoyed: Provided, however, that no such Claim shall be allowed unless within *Twelve* Calendar Months after the passing of this Act the Tenant in possession of the Premises for the Time being shall make and cause to be registered a Declaration in the Manner herein-before required in respect of Improvements made after the passing of this Act, (and which Declaration shall be taken and registered in like Manner,) to the effect that such Improvements, specifying the Nature and Value of the same as then existing, have been made and executed by such Tenant, or by some other Person, to be named, under whom he derives, and that such Tenant now lawfully claims to be entitled to the Benefit of such Improvements; which such Declaration shall be open to Impeachment, and shall be inquired into and dealt with, and have the like Force and Validity, in all respects as a Declaration in respect of Improvements made after the passing of this Act, and in case of the Impeachment of such Declaration it shall be presumed, that Improvements made during the Occupation of the Tenant or of those from whom he has derived were made according to the heretofore existing usage by him or them, save so far as it shall be proved on the Landlord's Part, that such Improvements were made or allowed for in whole or in part by himself or by those from whom he has derived his Estate, or by those from whom the Tenant has not derived.

XV. In any Case in which a Defendant in any Ejectment proceeding on the Determination of the Tenancy by Effluxion of Time or otherwise, shall establish, by Affidavit or other Evidence to the Satisfaction of the Court in which such Proceedings shall be pending, that he has, as against the Party proceeding to evict his Interest in the Lands in his Possession, and in respect of such Lands, a valid Claim for Compensation duly registered under this Act and unsatisfied, it shall be lawful for the Court to stay the Execution of any Writ of Habere facias possessionem or Decree for Possession for a reasonable Time to enable such Defendant to establish his Claim, upon such Terms nevertheless as to giving Security or otherwise as to the Court shall seem proper and just.

Staying Execution in Ejectment where registered Claim for Compensation subsists.

And with respect to Remuneration to outgoing Tenants, be it enacted as follows :

XVI. In case any Landlord shall require his Tenant to give up Possession of his Holding, or such Tenant shall give up such Possession, at the Expiration of his then subsisting Tenancy, such Tenant so giving

Tenant, on giving up Possession, entitled to Remuneration.

giving up the Possession as required, and at any Time within *Two* Years after the Expiration of his Tenancy (except in the Cases hereinafter excepted), and subject to the Provisions herein contained, shall be entitled to recover from his Landlord for the Time being, by a Civil Bill Process, a fair and reasonable Remuneration in Money for 5 and in respect of the several Matters following; (that is to say,)—

For the unexhausted value of durable Improvements of the Soil.

For the unexhausted Value of any durable Improvement of the Land by marling, liming, claying, or otherwise amending the Soil during the last Years of the Tenancy.

For the Crops in the Ground:

For the Crop (if any) which such outgoing Tenant has sown in a due Course of Husbandry, and left in the Ground: 10

Manure:

For the Preparation of the Ground for Crops by Tillage and manuring during the last *Two* Years of his Tenancy:

Straw and Hay.

For the Straw, Hay, and Manure left on the Farm:

Growing Underwood.

And for growing Underwood: 15

And such Claim shall be subject to the like Defences and Grounds of Set-off as in the Case of Proceedings on Foot of a Certificate of Completion as aforesaid, so far as the same shall be applicable; and an Appeal may be made from the Decision of the Assistant Barrister in the same Way as in other Cases is or shall be provided by the statutable Enactments regulating the Course of Civil Bill Proceedings; and it shall be lawful for the Landlord, at the hearing of such Civil Bill, either before the Assistant Barrister or Judge on Appeal, to set off any Amount due to him for Arrears of Rent, or any Amount of Rates, Taxes, Charges, or Assessments left unpaid by the Tenant, 25 and to which the Holding is liable, against the Amount of Remuneration to which the Tenant shall be entitled: Provided always, that no such Remuneration shall be recovered by any outgoing Tenant, for or in respect of any of the aforesaid Subject Matters of Remuneration, in any Case where a special Agreement in Writing with respect to the same shall have been made by the Landlord and Tenant respectively, 30 and shall be proved to the Satisfaction of the Assistant Barrister or Judge on Appeal, otherwise than in accordance with such special Agreement.

If Landlord after the Time when the Tenant could commence Improvements, and before the Registration of the Declaration, shall proceed to evict

XVII. If any Landlord or Owner, after the Time when the Tenant could legally, under the Provisions of this Act, commence and execute Improvements, and before the Registration of the Declaration of Improvements, shall proceed by any Process of Law against such Tenant for the Purpose of evicting and shall evict the Interest of such Tenant in any Holding in respect whereof Notice of Improvement has been served by the Tenant under the Provisions of this Act, on the Determination of the Tenancy by Effluxion of Time, it shall be thereupon lawful for such Tenant to proceed by Civil Bill Process 35 40

Process, according to the Practice of the Civil Bill Court, against such Landlord for the Purpose of recovering a just and reasonable Compensation for the Expenditure, in Labour or Money, bonâ fide made by such Tenant in such Improvements, pursuant to the Provisions of this Act; and the Assistant Barrister shall, subject to the Provisions herein contained, give a Decree to him for such Amount as he shall be entitled to on its being proved that such Improvements were bonâ fide made, or partly made, by such Tenant, pursuant to the Notice as hereinbefore provided, but not exceeding in the whole *Three* Years clear annual Letting Value of the Lands so improved; and such Claim shall be subject to the like Defences, Cross Demands, and Deductions, as in the Case of Claims of Compensation for Improvements registered under this Act.

Tenant, such Tenant may proceed by Civil Bill Process against such Landlord for Compensation.

XVIII. The several Assistant Barristers, or any *Fifteen* of them, within *One Year* after the passing of this Act, shall settle a Schedule of Fees to be allowed for all Proceedings connected with this Act, such Costs in no Case to exceed Civil Bill Costs in Ejectment Proceedings; and such Schedule, when settled, shall be immediately laid before the Lord Chancellor of Ireland for the Time being, for his Approval, who may allow or disallow the same in whole or in part; and such Schedule of Fees may be in like Manner varied from Time to Time as Occasion may require.

Assistant Barristers to settle Schedule of Fees.

XIX. All Forms of Notices and Declarations required for the Purposes of this Act shall be obtained from the Office of such Clerk of the Peace, on Payment of a Sum of *One Shilling* for each Form; and the Clerk of the Peace for each County shall cause all such printed Forms to be prepared on Parchment of uniform Shape and Dimensions, with a sufficient Margin.

Forms to be provided by the Clerk of the Peace.

XX. The Schedule to this Act annexed shall be deemed and taken to be a Part of this Act; and the Forms therein contained shall be used, save so far as the Nature of the Case may make it necessary or proper to vary from the same respectively; and no Variance or Defect, or verbal or technical Error therein, or in any Notice or Document under this Act, not calculated to mislead, shall invalidate or vitiate such Proceeding, Notice, or Document.

Schedule part of the Act.

XXI. Nothing in this Act contained shall be deemed or construed to affect or prejudice any Usage or Custom established or existing in any Part of Ireland relating to outgoing or incoming Tenants.

Not to affect Custom relating to outgoing or incoming Tenants.

XXII. This Act shall only extend to Lands in Ireland.

Act only to extend to Ireland.

SCHEDULE.

No. 1.

I hereby give Notice, That I intend to execute the following Improvements on my Holding of _____ in the Townlands and the Parish of _____ in the County of _____ that is to say [*here describe the Improvements*], and that I have estimated the Cost of such Improvements to be as follows :

[*Here give a particular of the estimated Expenses of the proposed Improvements.*]

Dated

Name and Residence of Tenant.

To *A.B.*

Landlord of said Holding, and
all other Persons concerned.

No. 2.

I [*Name of Landlord*], Landlord of [*Name of Tenant*], holding of me the Lands of _____ in the Parish of _____ and County of _____, do hereby solemnly and sincerely declare, That having received a Notice from [*the Name of the Tenant*], bearing Date the _____ Day of _____ and in the Words and Figures following [*here insert the Notice given by the Tenant*], I have caused to be served on [*here describe the Tenant or other Person on whom and the Place where the Counter Notice has been served*] a Counter Notice in the Words following [*here set out the Counter Notice*]; and that I have, in pursuance thereof, expended the Sum of £ _____ in executing the following Improvements on the Holding of the said [*the Name of the Tenant*]; that is to say,

[*Here describe the Improvements executed.*]

No. 3.

I [*Name of Tenant*], Tenant of [*Name of Landlord*], holding the Lands of _____ in the Parish of _____ and County of _____ do hereby solemnly and sincerely declare, that I have caused to be served on [*here describe the Landlord or other Person on whom the Notice has been served*], a Notice in the Words following [*here set out the Notice*], and that I have, in pursuance thereof, duly executed the following Improvements on my said Holding; that is to say,

[*Here describe the Improvements executed.*]

No. 4.

I hereby give you Notice, That I am willing to continue you as Tenant of _____ Farm, or, on Payment by you of all Arrears of Rent which shall have become Due, together with a proportionate Part of such Rent, in respect of the Time of your actual Occupation as may be accruing due at the Time of the Transfer of your Tenancy, to accept in your stead any solvent Tenant with whom you may arrange for your Interest in your Improvements, at a Rent of £ _____ or such other Rent as *C.D.*, or any other Person to be agreed upon between us or two Referees, one to be named by me and the other by you or an Umpire appointed by them previously to their meeting to inspect the Premises, shall determine to be, after Allowance made to you, for any Increase of annual Value arising from such Improvements, a fair Rent [*or if the Improvements have been made within Seven Years next before a Valuation of the Tenement under the 15 & 16 Vict. c. 63.*] at a Rent not exceeding the Valuation of your Holding, under the Provisions of an Act passed in the Session of Parliament of the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled "An Act to Amend the Laws relating to the "Valuation of Rateable Property in Ireland."

Dated

*Name and Residence of the
Landlord or his Agent.*

To *A. B.*
Tenant of _____ Farm.

[Such Rent to be increased or diminished at the End of every Year (*or every Third Year*), according to the average Prices of the Articles of Agricultural Produce mentioned in the 15 & 16 Victoria, c. 63., "An Act to Amend the Laws relating to the Valuation of Rateable Property in Ireland."]

[You or such solvent Tenant consenting at your or his Expense to take a Lease for the same at such Rent with a Covenant against subletting, and against assigning to any but a solvent Tenant for a Term of Seven (*or Fourteen*) Years.]

Tenants Compensation.

(Ireland.)

A

BILL

To provide Compensation for Improvements made by Tenants in Ireland.

*(Prepared and brought in by
Mr. Sergeant Shreeve and Mr. Pollard Uquhart.)*

*Ordered, by The House of Commons, to be Printed,
21 February 1854.*

[Bill 20.]

Under 2 oz.

1 May 1854. 17 VICT.



A

B I L L

INTITULED

An Act to transfer to the Court of Chancery the Testamentary Jurisdiction of the Ecclesiastical Courts, and to alter and amend the Law in relation to Matters of Testacy and Intestacy.

Note.—The Words and Clauses printed in *Italics* are proposed to be inserted in Committee.

WHEREAS it is expedient that the Jurisdiction of granting Preamble.
Probates of Wills and Administration of the Effects of
deceased Persons should cease to be exercised by Eccle-
siastical or Manorial Courts in England or Wales, and that such
5 Jurisdiction should be exercised by the High Court of Chancery:
And whereas it is expedient that the Law with respect to Matters of
Testacy and Intestacy should be altered and amended in manner
herein-after provided: Be it therefore enacted by the Queen's most
Excellent Majesty, by and with the Advice and Consent of the Lords
10 Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, as follows:

I. The Provisions of this Act (except where otherwise specially Commence-
provided) shall come into operation on such Day, not sooner than the ment of Act.
First Day of January One thousand eight hundred and fifty-five, as
15 Her Majesty shall by Order in Council appoint, provided that such
[Bill 81.] A Order

Order shall be made Three Months at least previously to the Day so to be appointed.

Interpreta-
tion Clause:

II. The following Words and Expressions used in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; 5
(that is to say,)

Will :

The Word "Will" shall comprehend "Testament," "Codicil," "Appointment by Will or Writing in the Nature of a Will, and all other Testamentary Instruments and Papers:"

Administra-
tion :

The Word "Administration" shall comprehend all Letters of 10
Administration of the Effects of deceased Persons, whether with or without the Will annexed, Administrations de bonis non, "durante minore ætate," "ad litem," "pendente lite," "durante absentia," and all other Letters of Administration whatsoever, whether granted for general, special, or limited Purposes: 15

Personal
Estate :

The Expression "Personal Estate" shall extend to Leasehold Estates and other Chattels Real, and also to Monies, Shares of Government and other Funds, Securities for Money (not being Real Estates), Debts, Choses in Action, Rights, Credits, Goods, and all other Property whatsoever which by Law devolves upon the Exe- 20
cutor or Administrator, and to any Share or Interest therein:

Matters of
Testacy and
Intestacy :

The Expression "Matters of Testacy and Intestacy" shall com-
prehend all Matters relating to the Probate and Establishment of Wills, Codicils, Appointments by Will or Writing in the Nature of a Will, and other Testamentary Instruments as to Personal Estate, and 25
the Grant of Administration of the Effects of deceased Persons:

the Court :

The Expression "the Court" shall mean Her Majesty's High Court of Chancery:

the Preroga-
tive Court :

The Expression "the Prerogative Court" shall mean the Preroga-
tive Court of the Archbishop of Canterbury: 30

Common
Form Busi-
ness :

The Expression "Common Form Business" shall mean the Busi-
ness of obtaining Probates and Administrations, where there is no Contention as to the Right thereto, including the Business of pass-
ing Probates and Administrations through the Court in contentious Cases, when the Contention is terminated, and all other Business of a 35
non-contentious Nature to be taken in the Court in Matters of Testacy and Intestacy, not being Proceedings in any Suit, and also the Business of lodging Caveats against the Grant of Probates of Wills or of Administration, and the Proceedings thereunder:

The

The Expression "the Testamentary Office" shall mean the Office of the Court of Chancery appropriated to the Transaction of "Common Form Business:" Testamen-
tary Office.

The Expression "Lord Chancellor" shall comprehend Lord Chan-
5 cellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being. Lord Chan-
cellor.

III. In citing this Act in other Acts of Parliament, or any Instru-
ment, Document, or legal Proceeding, it shall be sufficient to use
the Expression "The Testamentary Jurisdiction Act, 1854." Short Title.

10 IV. No Jurisdiction in the granting or revoking of Probate of Wills or Administration of the Effects of deceased Persons shall be had, used, or exercised in England or Wales by Her Majesty (except as herein-after mentioned) or by any Ecclesiastical Court, or by any Lord of a Manor, or Body Politic or Corporate, or by
15 any Person or Persons whomsoever, who at or before the Time appointed for the Commencement of this Act shall exercise or be entitled to exercise such Jurisdiction. Testamen-
tary Jurisdic-
tion of Eccle-
siastical and
other exist-
ing Courts
abolished.

V. No Jurisdiction with respect to the Recovery of Legacies, or the Production of Inventories, or Accounts of the Goods, Chattels,
20 or Credits of Testators or Persons dying intestate, or the Distribution thereof, or otherwise in any Testamentary Cause or Matter, or any Matter arising out of or connected with the Grant of Administration, shall be had, used, or exercised by any Ecclesiastical Court in England or Wales. Jurisdiction
of Ecclesias-
tical Courts
with respect
to Recovery
of Legacies,
&c.abolished.

25 VI. The whole of the Jurisdiction in England and Wales in Matters of Testacy and Intestacy shall belong to and be exercised by Her Majesty in Her High Court of Chancery. Testamen-
tary Jurisdic-
tion vested
in the Court
of Chancery.

VII. There shall be an Office of the Court called "the Testamen-
tary Office," which shall be appropriated to the Transaction
30 of Common Form Business, and wherein all Wills and other Documents appertaining to the Jurisdiction of the Court in Matters of Testacy and Intestacy shall be deposited and kept. Testamen-
tary Office.

VIII. The Lord Chancellor shall direct a proper Seal or proper
Seals to be made for the Court, to be used in the Testamentary
35 Office, and it shall be lawful for him to direct the same to be broken, altered, and renewed at his Discretion. Seal of the
Court.

Officers of
the Court.

IX. There shall be the following Officers of the Court attached to the Testamentary Office; (that is to say,)

In London :

Three Registrars ;

Three Keepers of Records ;

5

One Sealer ; and

So many Principal Clerks, and Assistant, Writing, and Engrossing Clerks, Messengers, and Servants, as the Lord Chancellor, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit.

10

In the Country :

One Registrar for each of the Country Districts specified in the Schedule (A.) to this Act, and to act at the Places respectively mentioned in such Schedule with respect to such District ; and

15

One Clerk ; and

One Messenger to each of such District Registrars.

Power to
increase
Number of
Registrars
and official
Clerks.

X. If the Lord Chancellor shall at any Time be of opinion that the Business of the Testamentary Office cannot be efficiently transacted without the Appointment of additional Registrars in London, 20 or additional Clerks to the District Registrars, it shall be lawful for him, with the Sanction of the Commissioners of Her Majesty's Treasury, to increase the Number of such Registrars in London, or of such Clerks to the District Registrars, provided that not more than Two additional Registrars in London, or more than Two additional Clerks 25 to any District Registrar, shall be so appointed.

Appoint-
ments to
Offices.

XI. The Registrars and all the other Officers of the Court attached to the Testamentary Office, except as herein-after mentioned, shall be appointed by the Lord Chancellor.

Registrars.

XII. Charles Dyneley, Esquire, John Iggulden, Esquire, and 30 W. F. Gostling, Esquire, the present Deputy Registrars of the Prerogative Court, shall be the First Registrars attached to the Testamentary Office :

Record
Keepers.

Richard Capes and Joseph Todd, the present Record Keepers of the Prerogative Court, shall be Two of the First Record Keepers 35 attached to the Testamentary Office :

William

William John Berry, the present Sealer of the Prerogative Court, Sealer. shall be the First Sealer attached to the Testamentary Office :

- Wm. Abbot, Charles Desborough Bedford, and Decimus Townshend Dyke, being now Principal Clerks of Seats in the Prerogative Court, Principal Clerks to the Registrars.
- 5 R Allum, F Kruckenbergh, J Beams,
S Jarvis, I Smith, W S Berry,
S Chadwick, G Chadwick, T Chadwick,
H Jones, H Bolton, W Kitching,
W Todd, the present Assistant Clerks of Seats in the
10 Prerogative Court, Brooks, the present Assistant Clerk of Records in the Prerogative Court, George Jervas Foster, the present Clerk of Papers in the Prerogative Court, Charles Frederick Ford, the present Assistant Clerk of the Papers in the Prerogative Court, James Ford, the present Clerk of the Calendars in the Pre-
15 rogative Court, Samuel William Shaw, the present Clerk of the current Wills in the Prerogative Court, R Harrison, the present Examiner of registered Wills in the Prerogative Court, Thomas David Light, the present Principal Clerk of the Stamp Office Department in the Prerogative Court, shall be the First Principal and
20 Assistant Clerks in the said Court.

- XIII. No Person shall hereafter be appointed Registrar, District Registrar, Keeper of Records, or Principal Clerk to the Registrars, who shall not be or have been an Advocate of the Court of Arches, a Barrister-at-Law, a Proctor in the Courts at Doctors Commons or
25 in some Ecclesiastical Court in England or Wales, or a Solicitor of the Court of Chancery : Provided, that any Person who at the Time of the passing of this Act is acting either as Articled Clerk or Paid Clerk to a Proctor in the Courts at Doctors Commons or in any Ecclesiastical Court, or as Clerk in the Office of the Pre-
30 rogative Court or of any Ecclesiastical Court, or as Registrar or Deputy Registrar of any Ecclesiastical Court, shall be eligible to the Office of Registrar, District Registrar, Keeper of Records, or Principal Clerk.

- XIV. The Registrars, District Registrars, and Keepers of Records
35 attached to the Testamentary Office shall execute their respective Offices in Person, and shall hold the same during their good Behaviour, subject to be removed by the Order of the Lord Chancellor for some good and reasonable Cause to be in such Order expressed ; the other Officers of the Court attached to the
40 Testamentary Office shall execute their respective Offices in Person, and not by Deputy, and shall hold their Offices during the Pleasure of the Lord Chancellor.

[81.]

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XV. The

Assistant
Clerks, Ser-
vants, and
Messengers.

XV. The Assistant and Writing and Engrossing Clerks, Servants, and Messengers in London shall be appointed by the Registrars, with the Approbation of the Lord Chancellor.

Clerk and
Messenger
of District
Registrar to
be appointed
by him.

XVI. The Clerk and Messenger of each District Registrar shall be appointed by such District Registrar with the Approbation of the Lord Chancellor.

Appoint-
ment of tem-
porary
Officers.

XVII. In case any Officer appointed or to be appointed by virtue of this Act shall by reason of ill Health or other Infirmary become temporarily incapable of performing the Duties of his Office, or shall for any other reasonable Cause to be allowed by the Lord Chancellor 10
apply to be relieved from the Discharge of the Duties thereof for a certain Time only, it shall be lawful for the Lord Chancellor to appoint some fit and proper Person to discharge the Duties of such Office for any Period not exceeding Six Calendar Months at any one Time, and the Person so appointed shall during such Period have all 15
the Power and Authority of the Officer in whose Place he shall be so appointed, and shall be paid by such Officer such Sum by way of Salary or Allowance as shall be agreed upon between them respectively, to be approved of by the Lord Chancellor.

Power to
Lord Chan-
cellor to re-
move any
Officer ap-
pointed
under this
Act engag-
ing in other
Employ-
ment.

XVIII. If any Person hereby appointed to any Office under this 20
Act, or any Person who shall accept any Office under this Act, shall engage in any other Employment whatever whilst he holds such Office, or if such Person, being or having been a Proctor, or Solicitor, or Attorney, shall directly or indirectly receive or secure to himself any continuing Benefit from any Business or Firm in which 25
he may have been engaged previously to his Appointment to such Office, the Person so offending may be removed from his Office by Order of the Lord Chancellor, and shall be rendered incapable of afterwards holding any Office, Situation, or Employment in the Court.

District
Registrars
may act as
Bishops
Secretaries.

XIX. Notwithstanding the Provision last herein-before contained, 30
it shall be lawful for any Person who may accept the Office of District Registrar under this Act to act as Secretary to the Archbishop of York or to the Bishop of any See in England or Wales, and to receive and retain such lawful Emoluments in respect of such Employment as he may justly be entitled to. 35

Proctors,
Solicitors,
&c., appoint-
ed to any
Office under
this Act, to
cease to be
Proctors in
the Courts at
Doctors
Commons,
and struck
off the Rolls,
as the Case
may be.

XX. Every Proctor hereby appointed to any Office under this Act, and every Proctor, Attorney, or Solicitor who shall be appointed to and shall accept any Office under this Act, shall cease to practise as a Proctor, or Attorney, or Solicitor, and shall forthwith procure himself to be struck off the List of Proctors or off the Roll of any 40
of Her Majesty's Courts at Westminster on which his Name may be.

XXI. The

XXI. The Registrars, and District Registrars appointed and to be appointed under this Act, shall respectively have full Power to administer Oaths, and any Person swearing before any such Registrar, or District Registrar shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false Swearing as if the Matter sworn had been sworn before any Officer of the Court now authorized to administer Oaths.

Registrars, &c. to have Power to administer Oaths. Penalties.

XXII. The Testamentary Office shall be established in such Place as Her Majesty in Council shall from Time to Time appoint, and until another Testamentary Office shall be appointed by Her Majesty in Council the present Public Registry of the Prerogative Court shall be used as the Testamentary Office.

Establishment of Testamentary Office.

XXIII. All the Claim, Title, and Interest which at the Time of the passing of this Act the Reverend Robert Moore, Clerk, has or is entitled to in or in respect of the Building at present used as the Public Registry of the Prerogative Court shall at the Time appointed for the Commencement of this Act vest in the Registrars for the Time being attached to the Testamentary Office, subject to the Payment of such Rents and the Performance and Fulfilment of such Contracts in respect thereof as the said Robert Moore, his Executors or Administrators, shall be subject to at the Time of such vesting.

The Registry of Prerogative Court of Canterbury to vest in Registrars of the Court.

XXIV. *In lieu of and Compensation for such Claim, Title, and Interest as aforesaid, the said Robert Moore, his Executors or Administrators, shall be entitled to receive, out of the Fund herein-after provided in that Behalf, such Sum or Sums of Money and in such Instalments as shall be agreed upon by Two competent Persons, one of whom shall be appointed by himself, his Executors or Administrators, and the other by the Commissioners of Her Majesty's Treasury, and in case such Persons disagree they shall appoint a Third, whose Award shall be final.*

Compensation to Rev. R. Moore for Building.

XXV. All Persons who at the Time of the passing of this Act are Advocates of the Court of Arches shall be entitled to practise as Counsel in any of Her Majesty's Courts of Law or Equity in England or Wales, in like Manner in all respects and with the same Rank and Precedence, and the same Eligibility to Appointments under Acts of Parliament or otherwise, as if they had respectively been duly called to the Degree of Barrister-at-Law on the Day on which they respectively were admitted as Advocates in the said Court of Arches: Provided always, that nothing herein contained shall affect the Rank or Precedence of the Queen's Advocate for the Time being.

Advocates and Barristers admitted to practise.

XXVI. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor and Notary in the

Admission of Proctors as Solicitors.

Courts in Doctors Commons or any Ecclesiastical Court in England or Wales may, at any Time after the passing of this Act not later than One Year thereafter, be admitted as a Solicitor of the Court, *without Payment of any Fee or Stamp Duty*, upon the Production of his Admission as such Proctor and Notary, or an official Certificate 5 thereof, and upon the Production of an official Certificate that such Admission continues in force, and upon signing the Roll of the Court, but not otherwise; and such Admission shall entitle such Proctor so admitted as a Solicitor to be afterwards in like Manner admitted, if he shall so think fit, and to be enrolled, as an Attorney of Her 10 Majesty's Superior Courts of Common Law at Westminster.

Admission of
future
Solicitors.

XXVII. Every Person who at the Time of the passing of this Act is actually serving or has served as an Articled Clerk to a Person entitled to act as a Proctor in the Courts at Doctors Commons, or in some Ecclesiastical Court in England or Wales, and 15 entitled to take such Articled Clerk, and who has not been admitted as a Proctor, shall be entitled, at any Time within One Year after his Admission as a Proctor, to be admitted as a Solicitor of the Court, in like Manner in all respects and with the like Privileges as if he had been admitted as a Proctor and Notary at the Time of the passing of 20 this Act.

Exclusive
Right to con-
duct Com-
mon Form
Business.

XXVIII. The exclusive Right to act as a Solicitor in respect of Common Form Business in the Court other than the Common Form Business transacted through the Country District Offices, and to receive Fees in respect thereof, shall, for the Period of Ten Years from the 25 Time appointed for the Commencement of this Act, belong to such of the Solicitors of the Court as, being Proctors in the Courts at Doctors Commons, or in some Ecclesiastical Court in England or Wales, shall have been admitted as Solicitors in pursuance of the Provisions of this Act; provided, that if the Number of Solicitors so admitted 30 under the Provisions of this Act shall be reduced below One hundred it shall be lawful for the Lord Chancellor to authorize so many Persons as he shall think fit, being Solicitors of the Court, to act as Solicitors in respect of such Common Form Business, and to receive Fees in respect thereof, but so that the whole Number of 35 Solicitors so authorized together with the Number of Solicitors being Proctors do not exceed One hundred and twenty.

Appointment
of Solicitors
to act for
Country
Districts in
Common
Form Busi-

XXIX. The Lord Chancellor shall from Time to Time authorize and appoint such and so many Persons, being Solicitors of the Court, as he shall think fit, to have the exclusive Right to act as 40 Solicitors in respect of the Common Form Business transacted through the District Offices in Cases where the Place of the District Office as specified

- specified in the Schedule (A.) to this Act is a Place where on the First of January One thousand eight hundred and fifty-four there shall have been One or more resident Proctor or Proctors, and to receive Fees in respect thereof, for the Period of Ten Years from the
- 5 Time appointed for the Commencement of this Act, and such Persons so appointed shall for such Period have the exclusive Right to act as Solicitors in respect of Common Form Business in and for the District to which they shall be so appointed and for such Period as aforesaid, and to receive Fees in respect thereof; provided, that the Lord Chancellor
- 10 in making such Appointments as last aforesaid shall give the Preference to such Solicitors of the Court as shall be Proctors either in the Courts at Doctors Commons or in some Ecclesiastical Court, so far as the same can be done with a due Regard to the Convenience of the Public.
- 15 XXX. The Right to act as a Solicitor in respect of Common Form Business in and for the other Country Districts shall from and after the Time appointed for the Commencement of this Act be open to all Solicitors of the Court.
- XXXI. From and after the Expiration of Ten Years from the
- 20 Time appointed for the Commencement of this Act, the Right to act as a Solicitor in respect of Common Form Business throughout England and Wales, and to receive Fees in respect thereof, shall be open to all Solicitors of the Court.
- XXXII. If any Person shall forge the Signature of any of the
- 25 Registrars or District Registrars attached to the Testamentary Office, or shall forge or counterfeit any Seal of the Court to be used in such Office, or knowingly concur in using any such forged or counterfeit Signature or Seal, or shall tender in Evidence any Document with a false or counterfeit Signature of any such Registrar
- 30 or District Registrar, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for any Term not exceeding Ten Years and not less than Four Years, or to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour.
- XXXIII. The Jurisdiction of the Court in Matters of Testacy and Intestacy shall comprehend the following Subjects, and all Matters incident thereto ; (that is to say,)
- 40 1. The Determination of all Questions as to the Validity of Wills as to Personal Estate :
2. The Grant and Recal or Revocation of Probates of Wills and Letters of Administration as to Personal Estate:
- [81.] B XXXIII. All

ness in certain Cases.

In other Cases Common Form Business to be thrown open immediately in the Country Districts.

After Ten Years, Common Form Business shall be thrown open

Forging or counterfeiting Seal of Court or Signature of Officers.

Penalty.

Jurisdiction of the Court of Chancery in Matters of Testacy and Intestacy.

Powers and
Authorities
of the Court
in Matters
of Testacy
and Intes-
tacy.

XXXIV. All Powers and Authorities now exercisable by the Court with respect to Matters within its Jurisdiction shall be exercisable by the Court with respect to Matters of Testacy and Intestacy, and all Powers and Authorities by Statute or otherwise now exercisable by the Prerogative Court, or any other Court or 5 Body Politic or Corporate, or any Person whomsoever, exercising or entitled to exercise Jurisdiction in relation to such Matters, shall be exercisable by the Court, except so far as the same may be affected by the Provisions of this Act.

As to hearing
and deter-
mining
Questions
arising out
of Common
Form Busi-
ness, &c.

XXXV. All Questions arising out of Common Form Business 10 whenever the Order or Direction of the Court is required, and all contentious Business relative to the granting, recalling, or revoking of any Probate or Letters of Administration, shall (subject as herein-after is mentioned) be heard and determined by such One of the Vice-Chancellors as the Lord Chancellor shall from Time to Time autho- 15 rize in that Behalf, or, in case the Lord Chancellor shall so direct, by the Master of the Rolls, if he shall consent thereto: Provided always, that the present Judge of the Prerogative Court shall, if so required by the Lord Chancellor, hear and determine all or any such Questions, either alone or jointly with the Master of the Rolls or Vice- 20 Chancellor authorized as aforesaid; and every Decree or Order made by him, either solely or jointly with the Master of the Rolls or Vice-Chancellor authorized as aforesaid, shall be deemed and taken to be a Decree or Order of the Court, and shall be dealt with accordingly; subject, nevertheless, to be reheard or appealed from as any other 25 Decree or Order of the Court.

Power as to
Appoint-
ment of
Administra-
tor.

XXXVI. Where a Person has died or shall die wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without having appointed an Executor thereof willing and competent to take Probate, and it shall appear to the Court to be necessary or 30 convenient in any such Case to appoint some Person to be the Administrator of the Personal Estate of the Deceased other than the Person who, if this Act had not passed, would by Law have been entitled to a Grant of Administration of such Personal Estate, it shall not be obligatory upon the Court to grant Administration of the 35 Personal Estate of such deceased Person to the Person who, if this Act had not passed, would by Law have been entitled to a Grant thereof, but it shall be lawful for the Court, in its Discretion, to appoint such Person as the Court shall think fit to be such Admin- 40 nistrator, upon his giving such Security (if any) as the Court shall direct, and if in the Judgment of the Court, under the special Circumstances of any particular Case, it shall be proper or advisable so to do, to appoint as such Administrator a Person to be under the immediate

immediate Control of and immediately accountable to the Court, and to allow to such Person such Remuneration out of the Estate as the Court shall think fit.

XXXVII. It shall be lawful for the Court to appoint an Administrator of the Personal Estate of any deceased Person pending any Suit in the Court touching the Validity of any Will of such deceased Person, or for the obtaining, recalling, or revoking any Probate of a Will or any Grant of Letters of Administration of his Personal Estate; and the Administrator so appointed shall have all the Rights and Powers of general Administrators, other than the Right of distributing the Residue of such Personal Estate after Payment of the Funeral Expenses and Debts of such deceased Person, except so far as such Rights and Powers may be limited or restricted by any Order of the Court; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

Administration
pendente lite.

XXXVIII. It shall be lawful for the Court to direct that Administrators appointed by the Court pending Suits therein in Matters of Testacy and Intestacy should receive out of the Personal Estate of the Deceased such reasonable Remuneration as the Court shall think fit.

Remuneration to
Administrators
pendente
lite.

XXXIX. After any Administration shall have been granted by the Court of the Personal Estate of any deceased Person, or any Part thereof, no Person shall have Power to sue or prosecute any Suit or otherwise act as Executor of the Deceased as to the Estate comprised in or affected by such Grant of Administration until the same Grant shall have been by Act of the Court revoked or declared to have been determined.

After Grant
of Administration,
no Person to
have Power
to sue as an
Executor.

XL. The Revocation or Determination by Act of the Court of any temporary Administration granted by the Court shall in nowise prejudice any Proceedings at Law or in Equity which may have been commenced by or against any Administrator so appointed; but a Suggestion may be made upon the Record, of the Revocation or Determination of such Administration, and of the Grant of Probate or Administration which shall have been made consequent upon such Revocation or Determination; and the Proceedings which shall have been commenced by or against the Administrator whose Administration shall have been so revoked or determined shall be continued in the Name of the Executor or Administrator constituted or appointed in his Place, in like Manner in all respects, with reference to Liability to Costs and otherwise, as if the Proceeding had been originally commenced by or against the Executor or Administrator so last established or appointed.

Revocation
or Determination
of temporary
Grants not to
prejudice
Actions or
Suits.

Court to have like Control over Wills, &c. as the Prerogative Court.

XLI. The Court shall have the same or the like Power and Control over all Wills and Testamentary Instruments, and over all Papers or Writings purporting to be testamentary, as the Prerogative Court now has or can exercise with respect to Matters within the Jurisdiction of the same Court.

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Court may remove from Registry or cancel a forged Will, or restore a Will which has been tampered with.

XLII. The Court shall also have Jurisdiction to order the Removal from the Registry or the Cancellation of any Will which may be shown to the Satisfaction of the Court to have been forged, or the Cancellation or Restoration of any Part of a Will which may be shown to have been forged, altered, or tampered with.

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Probates, &c. to be obtained in similar Manner to that in use in Prerogative Court.

XLIII. Probates of Wills and Grants of Administration shall be obtained through the Testamentary Office, in such or the like Manner, as near as may be, as Probates in Common Form and Grants of Administration have been heretofore obtained in the Prerogative Court, except so far as is otherwise provided by this Act, or may be otherwise provided by any General Orders to be made in pursuance of this Act.

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Affidavits to be made by Persons applying for Probate.

XLIV. The Person or some or One of the Persons applying for any Probate of a Will or Grant of Administration shall, before such Probate or Administration shall be granted, make an Affidavit, with a Schedule annexed thereto, in a Form similar to the Form set forth in the Schedule (B.) to this Act, with such Variations as the Nature and Circumstances of the Case may require.

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Suit to establish Will, &c. may be instituted by Bill or Claim.

XLV. Any Person having an Interest in and being desirous of establishing any Will of the Personal Estate of any deceased Person, or of recalling or revoking any Probate or Administration which may have been granted in Common Form through the Testamentary Office, may institute a Suit in the Court for the Purpose, either by Bill or Claim, as he may be advised.

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No Demurrer for Want of Parties, but Suit to proceed if Judge think fit.

XLVI. It shall not be competent to a Defendant in any such Suit to demur to the Bill for Want of Parties thereto, or to require as of Right that the Suit, whether commenced by Bill or Claim, should not proceed, without having other Persons made Parties thereto than the actual Defendant or Defendants thereto, but in every such Case it shall be discretionary with the Court to proceed with such Suit, and to determine the Questions arising therein, on being satisfied that there are before the Court in the Suit, either actually or by Representation, Parties having such an Interest in the Questions to be determined as that in the Judgment of the Court the same may safely be decided without requiring any other Person or Persons to be made a Party or Parties thereto.

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XLVI. Caveats

XLVII. Caveats against the Grant of Probates of Wills or of Administrations may be lodged in the Testamentary Office in like Manner as near as may be as Caveats are now lodged in the Prerogative Court, and the Practice and Proceedings under such Caveats shall as near as may be correspond with and be similar to the Practice and Proceedings under Caveats now in use in the Prerogative Court.

Practice as to Caveats in the Court to correspond with Practice as to Caveats in the Prerogative Court.

XLVIII. It shall be lawful for the Court, on Motion, Petition, or otherwise, in a summary Way, whether any Suit shall be depending in the Court with respect to any Probate or Administration or not, to order any Person to produce and bring in to the Testamentary Office of the Court, or otherwise as the Court may direct, any Paper or Writing, being or purporting to be testamentary, which may be shown to be in the Possession or under the Control of such Person; and if it shall not be shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for concluding that he has the Knowledge of any such Paper or Writing, it shall be lawful for the Court to direct such Person to be examined upon Interrogatories respecting the same, and such Person shall be bound to answer such Interrogatories, and, if so ordered, to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default in not answering such Interrogatories, or not producing or bringing in such Paper or Writing, as he would have been subject to in case he had been a Party to a Suit in the Court and had made such Default as aforesaid; and the Costs of all such Proceedings and of such Production as aforesaid shall be in the Discretion of the Court.

Order to produce any Instrument purporting to be testamentary.

Practice thereon.

XLIX. It shall be lawful for but not obligatory upon the Court to direct the Validity of any Will affecting Personal Estate to be tried at Law by a Jury.

Court may direct Validity of a Will to be tried by Jury.

L. All Orders or Decrees of the Court in Matters of Testacy and Intestacy shall be liable to be reversed, altered, or varied on Appeal or Rehearing, in like Manner as other Orders or Decrees of the Court are liable to be reversed, altered, or varied; and an Appeal shall lie to the House of Lords from Orders or Decrees of the Court in Matters of Testacy and Intestacy, whether made by the Lord Chancellor, the Court of Appeal in Chancery, the Master of the Rolls, or One of the Vice Chancellors, either with or without the present Judge of the Prerogative Court, or by the present Judge of the Prerogative Court alone, in like Manner as from other Orders or Decrees of the Court.

Orders, &c. of the Court may be reversed.

LI. It shall be lawful for the Lord Chancellor, at any Time after the passing of this Act, and from Time to Time, to make

Power to make Rules and Regulations.

such Rules, Orders, and Regulations respecting the Form and Mode of proceeding in the Court with respect to Matters of Testacy and Intestacy, and the Conduct and Duties of the Officers and Practitioners therein in relation to such Matters, and, if he shall so think fit, to direct the District Registrars to make Circuits through 5 their several Districts at such Places and Times as he shall think fit, and, so far as may be found expedient, for altering the Course of proceeding herein prescribed or referred to in relation to such Matters or any of them, and also for regulating the Fees and Allowances to Solicitors of the Court in relation to such 10 Matters, including Common Form Business, as to him shall seem fit, and from Time to Time to repeal or alter such Rules, Orders, and Regulations; and all such Rules, Orders, and Regulations shall have the same Force and Effect as if the same had been enacted by Parliament: Provided always, that a Copy of such Rules, Orders, 15 and Regulations shall, immediately after the issuing of the same, be laid before both Houses of Parliament if Parliament be then assembled, and if Parliament be not then assembled, then within Five Days after the Meeting thereof: Provided also, that if either House of Parliament shall, by any Resolution to be passed within Thirty-six 20 Days after the same shall have been laid before such House, resolve or declare that such Rules, Orders, or Regulations, or any of them, ought not to remain in force, then and in such Case the same Rules, Orders, and Regulations, or such of them as shall be so objected to, shall from and after such Resolution be abrogated and cease to be 25 binding.

Course of
proceeding.

LII. The Course of proceeding in the Court in Common Form Business shall, except where otherwise provided by this Act, or by any Rules or Orders to be from Time to Time made by the Lord Chancellor in pursuance of this Act, so far as the Circumstances of 30 the Case will admit, be according to the present Form and Manner of proceeding in the Prerogative Court; and all Statutes, Laws, Usages, and Practices now in force in the Prerogative Court, save and except so far as such Statutes, Laws, Usages, and Practices, or any of them, may be repealed, altered, or varied by this Act, or by any 35 Order or Orders to be from Time to Time made thereunder, or may be otherwise inconsistent with the Provisions of this Act, shall apply to, govern, and be observed by the Court with respect to Common Form Business, in the same Manner as such Statutes, Laws, Usages, and Practices apply to, govern, and were observed by the Prerogative 40 Court.

No Probate
or Adminis-
tration
granted
through Dis-

LIII. Probate or Administration shall not in any Case be granted through any District Office, unless it shall appear by the Affidavit

Affidavit of the Person or some or one of the Persons applying for the same that the Testator or Intestate, as the Case may be, died in England or Wales, and at the Time of his Death had a fixed Place of Abode within the District in which the Application is made, nor unless the Personal Estate and Effects of the Deceased, exclusive of what he shall have been possessed of as a Trustee and not beneficially, shall have been sworn to be under the Value of One thousand five hundred Pounds.

strict Office, unless Testator or Intestate had a fixed Place of Abode within the District, nor unless the Estate sworn under 1,500*l*.

LIV. The Affidavit or Affidavits so to be made shall be conclusive for the Purpose of authorizing the Grant of Probate or Administration through the District Office; and no Grant of Probate or Administration made through any District Office shall be liable to be recalled, revoked, or otherwise impeached by reason only that the Testator or Intestate died out of England or Wales, or had no fixed Place of Abode within the District, or that his Personal Estate and Effects amounted to or exceeded the Sum of One thousand five hundred Pounds in Value, and whether the Person or Persons making such Affidavit or Affidavits was or was not aware of the Truth of the Case at the Time of making the same.

Affidavits to be so made to be conclusive for Purpose of such Grant through District Office. Such Grant not to be recalled, &c. though Testator died out of England or Wales, or had no fixed Place of Abode within District, or his Effects exceeded 1,500*l*, or Person making Affidavit was or was not aware of the Truth of the Case at Time of making same.

LV. Upon Application being made to any District Registrar for any Probate or Administration, such Registrar shall receive such Application, and give such Directions as may be necessary with respect thereto, and when such Oaths shall have been taken, either before such Registrar or a Commissioner of the Court authorized to administer Oaths in Chancery, as shall be necessary to be taken before such Probate or Administration can be granted; and when the Probate or Administration which shall be prepared by the Solicitor of the Person making such Application, under the Direction of such Registrar, shall have been perfected, with the Exception of affixing the Seal thereto, such Registrar shall without Delay transmit through the General Post Office, in a sealed Bag or Parcel, such Probate or Administration, with the Affidavits and other Papers which may be required for granting the same, to One of the Record Keepers, in order that the Seal of the Court may be affixed thereto by the proper Officer in London; and when such Seal shall have been affixed to such Probate or Administration the same shall be sent by the Record Keeper, through the General Post Office, in a sealed Bag or Parcel, to the Registrar by whom the Application for the same shall have been transmitted, in order that the same may be delivered to the Executor or Administrator entitled thereto.

Duties of Registrar in Country Districts.

LVI. Before transmitting any Probate or Administration with a Will annexed to One of the Record Keepers, to be sealed, the District

Wills to be retained by Registrar in

Country Dis-
tricts, for a
Time ; Registrar shall take the Will into his Custody, and shall retain the
same in the District Registry for the Space of Six Calendar Months,
and shall permit the same to be there inspected by all Persons, in the
same Manner as Wills in the Custody of the Prerogative Court are
now permitted to be inspected, or otherwise as the Lord Chancellor 5
and after-
wards trans-
mitted
to the Court. shall from Time to Time direct, and shall, periodically at such Times
as shall be directed by any General Order of the Lord Chancellor,
transmit all Wills which shall have been in his Custody for the said
Space of Six Calendar Months through the General Post Office, in
a sealed Bag or Parcel, to the Record Keeper of the Court. 10

Official Copy
of Will to be
transmitted
to Record
Keeper. LVII. Together with every Probate or Administration with the
Will annexed which shall be sent to the Record Keeper of the Court
to be sealed, there shall be transmitted by the District Registrar an
official Copy of the Will of which such Probate shall be granted, or
which shall be annexed to such Administration, which official Copy 15
shall be retained and deposited in the Testamentary Office, and shall
and may be inspected by all Persons at such Office until the original
Will shall be transmitted to the Record Keeper, who, upon Receipt of
such original Will, shall return the official Copy to the Registrar of
the District from which the same was originally received, there to 20
be retained and deposited in the Registry of such District, where the
same may be inspected in like Manner as the original Will or a Copy
thereof may be inspected in the Testamentary Office in London.

Duty of
Record
Keeper. LVIII. Upon Receipt by the Record Keeper from any District
Registrar of any Probate or Administration to be sealed, it shall be 25
his Duty to ascertain whether a Caveat has been entered in the Testa-
mentary Office against the Grant of such Probate or Administration,
and if it shall appear that a Caveat has been entered against such
Grant, and the same shall not have been withdrawn or disposed of
according to Law prior to such Receipt, then and in such Case the 30
Record Keeper shall not hand over such Probate or Administration
to the Sealer of the Court to be sealed until such Caveat shall have
been withdrawn or otherwise disposed of according to Law, but shall
immediately give Notice of such Caveat to the District Registrar,
who shall forthwith transmit such Notice, or a Copy thereof, to the 35
Party who has made Application for such Probate or Administration,
or to his Solicitor.

Practice of
Entry of
Caveats in
District
Offices LXIX. Caveats against the Grant of Probate or Administration may
be entered in any District Office, and the Proceedings thereunder shall
be similar in all respects to Proceedings under Caveats entered in the 40
Testamentary Office in London.

LIX. Imme-

LX. Immediately after any Caveat against the Grant of Probate or Administration shall have been entered in any District Office the District Registrar shall transmit a Copy thereof to the Record Keeper of the Court, to be entered among the Caveats in the Testamentary Office in London.

Registrar to transmit Caveats.

LXI. It shall not be obligatory on any Person to apply for Probate or Administration through any District Office, but in every Case such Application may be made at the Testamentary Office in London for such Probate or Administration, wherever the Residence of the Testator or Intestate may have been, and whatever the Amount of the Property.

Not obligatory to apply for Probate, &c. through any District Office, but same may be applied for in London.

LXII. Citations or other Processes calling upon Executors or other Persons to accept or refuse Probate or Administration, or to show Cause why it should not be granted to the Person suing out the Process, shall be issuable from the Testamentary Office in London, and also (in Cases in which, under the Provisions of this Act, Probate or Administration may be obtained through any District Office,) from such District Office, and the same shall be made returnable in the Office from which the same shall have been issued.

Citations, &c. to be issued from Testamentary Office in London, and District Offices, and be returnable to Office whence issued ;

LXIII. Such Citations or other Processes, and all subsequent Proceedings thereunder, where the Probate or Grant of Administration follows as of course, and to either Party according to the Tenor of the Citation or other Process, shall be deemed and taken to be Common Form Business.

and to be deemed Common Form Business.

LXIV. The Acting Judge and Registrar of every Court, or Person, or Body Politic or Corporate, now having or exercising Jurisdiction to grant Probate or Administration, or other Person or Persons having the Custody of the Documents and Papers of or belonging to such Court, or Person, or Body Politic or Corporate, shall, upon receiving a Requisition for that Purpose from One of the Registrars attached to the Testamentary Office, and at the Times and in the Manner mentioned in such Requisition, transmit all Wills, Administration Bonds, Notes of Administration, Court Books, Kalendars, Papers, and Documents appertaining exclusively to such Jurisdiction to the Record Keepers of the Court, to be deposited in the Testamentary Office of the Court, and to be there arranged so as to be easy of Reference.

Judges of present Ecclesiastical Courts and others, at Request of Registrar, to transmit all Wills, &c. in their Possession, &c. to the Record Keepers, to be deposited in Testamentary Office, there to be arranged for Reference.

LXV. Any Judge, Registrar, or other Person who shall wilfully refuse or neglect so to transmit such Wills, Administration Bonds, Notes of Administration, Court Books, Kalendars, Papers and Documents

Penalty for Default.

ments, or any of them, shall be liable to a Penalty of One hundred Pounds, to be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Superior Courts of Law at Westminster.

Power to
Lord Chan-
cellor to
arrange for
temporary
Custody of
Wills, &c.
until same
are deposited
in Testamen-
tary Evi-
dence.

LXVI. It shall be lawful for the Lord Chancellor to cause such 5 Arrangements to be made as he shall think fit, with any Person, Body Politic or Corporate, for or with respect to the temporary Custody of the Wills, Administration Bonds, Notes of Administration, Court Books, Kalendars, Papers, and other Documents appertaining to the Jurisdiction of any Court, or Person, or Body Politic or Corporate, 10 now having or exercising Jurisdiction to grant Probate or Administration, or for or with respect to the temporary Custody of any Part or Portion of such Documents until the same shall be required to be deposited in the Testamentary Office.

Kalendars
made in the
Testamen-
tary Office
to be printed
and furnished
to District
Registrars.

LXVII. The Kalendars to be made in the Testamentary Office 15 shall be printed, and a Copy of each of such Kalendars, as the same is from Time to Time compiled, shall be forwarded to each of the District Registrars of the Court; and such District Registrar shall receive the same, and deposit it in some Part of his Registry, where it may be inspected by any Person upon the Payment of a reasonable 20 Fee, to be fixed by the Lord Chancellor.

Limitation of
Time of
proceeding.

LXVIII. Except as herein-after provided, no Suit or Proceeding shall be instituted or taken to establish any Will, or to revoke or recal any Probate of a Will or Grant of Administration, after the Expiration of Twenty Years from the Date of the Grant of Administration or 25 Probate, as the Case may be.

Twenty
Years.

Disability.

LXIX. If at the Time of the granting any Probate, or Administra- 30 tion with respect to the Estate of any deceased Person, the Person or some or one of the Persons entitled to establish the Will of such deceased Person, or to revoke or recal such Probate or Administra- 35 tion, shall have been or shall be under the Disability of Infancy, Coverture, Idiocy, Lunacy, Unsoundness of Mind, or Absence beyond Seas, then and in such Case such Person so under Disability, or any Person claiming under him, may institute or take any Suit or Proceeding for the Purpose of establishing any Will of such 35 deceased Person, or of revoking or recalling any Probate or Administra- 40 tion of his Estate, within Ten Years after the Removal of such Disability, or after the Death of the Person under Disability, which shall have first happened.

Ten Years.

Fraud.

LXX. In Cases of Fraud it shall be lawful for the Person 40 aggrieved or supposed to be aggrieved thereby, or any Person claiming

claiming under him, to institute a Suit or Proceeding for the Purpose of establishing a Will or revoking or recalling Probate of a Will or Grant of Administration, notwithstanding the Expiration of the limited Period herein-before fixed for the Purpose, provided the
5 special Leave of the Court be previously obtained authorizing the Institution of such Suit or Proceeding, such Leave to be applied for, by Petition or Motion, in a summary Way, and upon Notice to such Persons, if any, as the Court shall think fit, and to be granted upon such Terms, if any, as the Court may think fit to impose.

- 10 *LXXI. It shall be lawful for the Lord Chancellor and he is hereby required to prepare or cause to be prepared, before the Time appointed for the Commencement of this Act, a Table of Fees, specifying what Fees are proper to be demanded and taken by the Officers of the Court attached to the Testamentary Office,*
15 *and he is hereby empowered from Time to Time to add to, reduce, alter, or amend the same as he may deem necessary and proper, and to cause the same to be inserted and published in the London Gazette; and no other Fees than those specified and allowed in such Table of Fees shall, under any Pretence whatsoever, be demanded or*
20 *taken by such Officers.*
- Lord Chan-
cellor to pre-
pare Table of
Fees to be
taken by
Officers of
Court, with
Power to
vary same as
he may think
fit, and to
publish same
in Gazette.
No other
Fees to be
taken.

- LXXII. No Officer of the Court attached to the Testamentary Office shall be entitled to receive or retain for his own Use any Fee or Reward whatsoever; and if any Officer of the Court attached to the Testamentary Office shall, for anything done or pretended to be done*
25 *relating to his Office, Situation, or Employment, or under colour of doing anything relating to his Office, Situation, or Employment, wilfully take, demand, receive, or accept, or permit or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, any Fee, Gift, Gratuity, or Emolument, or*
30 *anything of Value other than his Salary, or what is allowed or directed to be taken by him under this Act or any Order to be made under this Act, the Person so offending, when duly convicted, shall forfeit and pay the Sum of Five hundred Pounds, and shall be*
35 *removed from any Office, Situation, or Employment he may hold in the Court, and shall be rendered and he is hereby rendered incapable of ever thereafter holding any Office, Situation, or Employment in the Court, or otherwise serving Her Majesty, Her Heirs or Successors.*
- No Officer to
retain for his
own Use any
Fees;
or accept
Gratuity.
Penalty.

- LXXIII. Any such Offender may be prosecuted, either by*
40 *Information at the Suit of Her Majesty's Attorney General, or by Criminal Information before Her Majesty's Court of Queen's Bench, or by Indictment.*
- Prosecution
of Offenders.

Fees not to be paid in Money, but by Stamps.

LXXIV. None of the Fees payable to the Officers attached to the Testamentary Office, except as herein-after mentioned, shall be received in Money, but the same shall be received by a Stamp denoting the Amount of the Fee which otherwise would be payable: Provided always, that it shall be lawful for the Lord Chancellor to 5 order that any Fees which it may appear to him cannot conveniently be collected by Stamps may be received in Money.

So much of the Sutors in Chancery Relief Act as applies to the Collection of Fees by Stamps incorporated; except that separate Accounts to be kept. Commissioners of Inland Revenue to retain Expenses, &c., and pay Residue into Bank of England to an Account, "The Testamentary Fee Fund Account."

LXXV. All the Provisions of an Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, intituled "An Act for the Relief of Sutors of 10 the High Court of Chancery," and of any Act or Acts incorporated therewith, so far as respects the Collection of Fees by means of Stamps, shall extend and apply to the Fees to be received under the Provisions of this Act; save only that the Commissioners of Inland Revenue shall cause separate and distinct Accounts to be kept of all 15 Sums of Money received or collected by them under the Provisions of any Orders to be made under the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them or by their Direction in carrying the same into effect; and it shall be lawful for the said Commissioners to pay, and to deduct and retain out of such 20 Monies, all such Costs, Charges, and Expenses, and also to deduct all Sums of Money repaid on Allowances for spoilt Stamps, and after such Deduction they shall from Time to Time, and in such Manner as the Lord Chancellor shall by any Order direct, pay the same into the Bank of England, to the Credit of the Accountant General of the 25 Court, to be placed to an Account there, to be entitled "The Testamentary Fee Fund Account."

Fees to be paid to the same Account.

LXXVI. Such of the Fees payable to the Officers attached to the Testamentary Office as shall be directed by the Lord Chancellor to be collected in Money shall, at such Times and in such Manner 30 as shall be directed by the Lord Chancellor, be paid into the Bank of England, to the Credit of the said Account to be entitled "The Testamentary Fee Fund Account."

Acts relating to Stamps under Commissioners of Inland Revenue incorporated.

LXXVII. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of 35 the Commissioners of Inland Revenue shall, so far as the same are applicable, and consistent with the Provisions of this Act, in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on or to which the same 40 Stamps shall be impressed or affixed, and be applied and put in execution for collecting and securing the Sums of Money denoted thereby,

thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-men-
5 tioned Stamps and Sums of Money respectively.

LXXVIII. It shall be lawful for the Lord Chancellor, by any Order or Orders to be from Time to Time made for that Purpose, to order Payment, at such Times and in such Manner as he shall think fit, out of the said Fund called the "Testamentary Fee Fund Ac-
10 count," of all such Sums as shall appear to him to be reasonable and proper to be paid for providing suitable Rooms and Buildings in which the Business of the Testamentary Office and of the District Offices may from Time to Time be carried on, and for keeping Order in the Offices, and for the Care and cleaning of all such Rooms and
15 Buildings, and for the Rent, Taxes, Rates, Insurance from Fire, and other Outgoings charged upon or payable for or in respect thereof, and for the Enlargement, Alteration, or Improvement, Repairs, furnishing and fitting up of the same, and for the Expenses of the District Registrars in making Circuits through their several Districts,
20 and for the temporary Custody of such Wills, Administration Bonds, Notes of Administration, Court Books, Kalendars, Papers, and Documents as aforesaid, and for the Books and Stationery which may be required for the Business of the Testamentary Office and the District Offices and the Officers thereof, and for the making, writing, printing, counting, and examining official Documents and Records of the Court and Offices, and other Copies of such Documents and Records, and for Coals and Candles and other necessary Articles for the Offices, and for all other necessary Expenses relating thereto.

Power to Lord Chancellor to provide Offices, &c.

LXXIX. All Probates and Administrations granted before the Time appointed for the Commencement of this Act, which may be void or voidable by reason only that the Courts from which respectively the same were obtained had not Jurisdiction to grant such Probates of Wills or Administration, shall be and be deemed for all Purposes whatsoever to be and to have been as valid as if the same had been obtained from the Courts entitled to grant such Probates and Administrations respectively: Provided always, that any void or voidable Probate or Administration shall not be made valid by this Act, when another Probate of the same Will or other Letters of Administration of the same Personal Estate shall subsequently, but before the Time appointed for the Commencement of this Act, have been granted out of the proper Court; nor when such Probate or Administration shall have been revoked, or determined by any Court

Void and voidable Probates and Administrations valid.

Proviso.

of competent Jurisdiction to have been void, before that Time; nor so far as the same respects any Personal Estate which at the Time of the passing of this Act shall be in the Possession of any Person who would not have been entitled thereto if the same Probate or Administration were valid; nor shall this Act prejudice or affect any Proceedings pending at the Time of the passing of this Act in which the Validity of any such Probate or Administration shall be in question between the Person claiming under the same and the Person claiming adversely thereto, and such Probate or Administration, if the Result of such Proceeding shall be to invalidate the same, shall not be rendered valid by this Act; and if such Proceedings shall abate or become defective by reason of the Death of any Party, any Person who but for this Act would have any Right by reason of the Invalidity of any such Probate or Administration shall retain such Right, so that he may commence Proceedings for enforcing the same within Six Calendar Months after the Death of such Party.

Sureties in
Administration
Bonds.

LXXX. So much of an Act passed in the Twenty-first Year of the Reign of King Henry the Eighth, Chapter Five, and of an Act passed in the Twenty-second and Twenty-third Years of the Reign of King Charles the Second, Chapter Ten, and of an Act passed in the First Year of the Reign of King James the Second, Chapter Seventeen, as require any Surety Bond or other Security to be taken from a Person to whom Administration shall be committed, shall be and the same are hereby repealed.

LXXXI. From and after the Time when this Act shall come into operation, every Person to whom any Grant of Administration shall be committed shall give Bond to the Master of the Rolls for the Time being, with Two sufficient Sureties, conditioned for duly collecting, getting in, and administering the personal Estate of the deceased, which Bond shall be in such Form as the Lord Chancellor shall from Time to Time by any General or Special Order direct.

LXXXII. The Court may, on Application made on Motion or Petition in a summary Way, and on being satisfied that the Condition of any such Bond has been broken, order any One of the Registrars of the Court to assign the same to some Person to be named in such Order as the Party to sue in respect of any Breach of the Condition thereof; and such Person shall thereupon be entitled to sue on the said Bond as if the same had been originally given to him instead of to the Master of the Rolls, and shall be entitled to recover thereon, as Trustee for all Persons interested (subject nevertheless to the Control and Direction of the Court), the full Amount recoverable in respect of any Breach of the Condition of the said Bond.

LXXXIII. All Suits, whether original or by way of Appeal, which shall be depending in any Court in England or Wales respecting the Grant of Probate of any Will or Administration of the Effects of any deceased Person, shall be transferred, with all the Proceedings therein, to the
 5 Court of Chancery, there to be dealt with and decided according to the Rules and Practice of that Court, except so far as the Court may think it expedient to adopt for the Purposes of such transferred Suits or any of them the Rules or Practice of the Court in which the same shall have been pending, to which End the Court of Chancery
 10 shall, for the Purposes of such Suits, be deemed and taken to have all the Powers and Jurisdiction to all Intents and Purposes possessed by the Court from which such Suit shall be transferred: Provided
 always, that this Enactment shall not apply to Proceedings by way of Appeal pending before Her Majesty in Council, which Proceedings
 15 shall be carried on and prosecuted in the same Manner in all respects as if this Act had not passed: Provided also, that every Person who, if this Act had not passed, might have appealed to Her Majesty in Council against any Proceeding, Decree, or Sentence of any Court respecting the Grant of any Probate or Administration, may, notwith-
 20 standing the Provisions of this Act, appeal to Her Majesty in Council against such Proceeding, Decree, or Sentence: Provided also, that Her Majesty in Council may remit to the Court of Chancery any Cause or Proceeding pending by way of Appeal as aforesaid, or to be brought before Her Majesty in Council upon Appeal as aforesaid,
 25 with such Directions as the Justice of the Case may require.

Pending Suits.

Proviso.

Proviso.

LXXXIV. If at the Time when this Act shall come into operation any Cause or Matter which shall have been heard before the Judge of the Prerogative Court shall be standing for Judgment, it shall be lawful for such Judge, at any Time within Six Weeks after
 30 this Act shall have come into operation, to give in to One of the Registrars of the Court of Chancery a written Judgment therein, signed by him, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every such Decree or Order shall have the same Force and Effect as if it had been drawn
 35 up in pursuance of a Judgment of the Lord Chancellor or of the Court of Appeal in Chancery given in open Court, on the Day on which the same shall be delivered to the Registrar, and shall be in like Manner subject to Appeal to the House of Lords.

Power to Judge of Prerogative Court to deliver written Judgments.

LXXXIII. *Nothing in this Act contained shall affect the Stamp Duties now by Law payable upon Probates of Wills and Letters of Administration, and all the Clauses, Provisions, Rules, Regulations, and Directions contained in any Act of Parliament relating to the said Duties, and to Wills, Probates of Wills, and Letters of Adminis-*
 40 *tration,*

This Act not to affect the Stamp Duties on Probates and Administration.

tration, for securing the said Duties, not superseded by or inconsistent with the express Provisions of this Act, shall be in full Force, and shall be observed, applied, and put in execution, for securing the Duties payable on the Probates of Wills and Letters of Administration granted under this Act, as if such Duties had been granted 5 by this Act, and the said Clauses, Provisions, Rules, and Regulations relating thereto were herein repeated and specially enacted.

The Registrar to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.

LXXXIV. Every Registrar shall, within a Month after Probate of any Will or Letters of Administration shall have been granted, deliver or cause to be delivered to the Commissioners of Inland Revenue, or their proper Officer, the following Copies respectively; that is to say, in the Case of a Probate or Administration with a Will annexed, a Copy of the Will and of the Affidavit, with the Schedule thereto, required by Section Forty-five of this Act; and in the Case of Letters of Administration without a Will annexed, a Copy of such Affidavit and Schedule; and in every Case of Letters of Administration, a Copy or Extract thereof; upon Payment for all such Copies of such Sum or Sums of Money or at such Rate as the Lord Chancellor shall, with the Approbation of the Commissioners of Her Majesty's Treasury, from Time to Time direct.

20

Salaries of Officers.

LXXXV. There shall be paid to the several Officers named in Schedule C. to this Act the several Salaries set opposite to their respective Titles in the same Schedule, and to such of the other Officers, Clerks, Servants, and Messengers appointed or to be appointed by or under the Provisions of this Act, such Salaries or other Remuneration as the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time direct; and in fixing the Amount thereof, in respect of Appointments in the Testamentary Office, regard shall be had, as far as the Justice of the Case requires, to the Amount of Salary or Emolument heretofore received by the Officers of the Prerogative Court now exercising the same or like Functions.

30

Power to Lord Chancellor to remove any Officer becoming infirm or incapable, and to limit retiring Allowance.

LXXXVI. It shall be lawful for the Lord Chancellor, by Order; to remove any Officer or Person attached to or employed in the Testamentary Office of the Court who shall be afflicted with any Infirmary which shall disable him from the due Execution of his Office, and who shall refuse to resign or become incapable of resigning the same, and upon such Removal to order to be paid to such Officer or Person so removed an Annuity or retiring Allowance, not exceeding Two Third Parts of the yearly Sum or Salary to which he shall be entitled at the Time of his Removal.

40

LXXXVII. It

LXXXVII. It shall be lawful for the Lord Chancellor, by any Order made on a Petition presented to him for that Purpose, to order, if he shall think fit, to be paid to any Person holding any Office or Appointment in the Testamentary Office, either in London or in the

Mode of
Compen-
sating retir-
ing Officers,
&c.

- 5 Country, who shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, or shall have continued in any Office or Offices of the Court for Twenty Years, and shall be desirous of resigning the same, a Superannuation Allowance, and thereupon such Officer or Person shall be entitled to receive such
- 10 Superannuation Allowance, not exceeding Two Thirds of his Salary, as the Lord Chancellor, with Consent of the Commissioners of Her Majesty's Treasury, shall think proper to direct, and in ascertaining and awarding the Amount of such Superannuation Allowance the Lord Chancellor and the Commissioners of Her Majesty's Treasury
- 15 shall take into consideration the whole Period during which any such Officer or Person shall have been permanently employed in any Office or Situation in the Court or any of the Offices thereof: Provided always, that as to such of the said Officers as shall have been previously Officers of or employed in the Prerogative Court, or in some Eccle-
- 20 siastical Court, the Time during which they shall have been so employed shall for the Purposes of this Clause be deemed and taken as Part of the Time during which they shall have continued to be Officers of the Court: Provided also, that the Lord Chancellor shall in every such Order state the Cause for making the same, and shall cause a
- 25 Copy of such Order to be laid on the Table of the Commons House of Parliament within Fourteen Days after the making of the same, if Parliament be then assembled, and if Parliament shall not then be assembled, then within Fourteen Days next after the Meeting thereof.

Proviso.

Proviso.

- LXXXVIII.* Every Person holding any Office in the Prerogative Court, or in any other Court exercising Testamentary Jurisdiction, and whose Emoluments may be diminished by the Operation of this Act, if not precluded from claiming Compensation in respect of such Office by the Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty,
- 30 Chapter Ninety-eight, or any of the Acts therein recited or referred to, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Calendar Months from the Time when this Act shall come into operation; and it shall be lawful for the Commissioners of Her Majesty's Treasury, by
- 40 Examination on Oath or otherwise, and in such Manner as they shall think fit, to inquire into the Nature of the Office, and what was the Tenure, and what were the lawful Emoluments in respect of which Compensation shall be claimed; and the said Commissioners of Her Majesty's Treasury in such Inquiry shall have regard to the Fact

Power to
Persons
whose In-
comes are
affected by
Act to make
claim on
Treasury for
Compensa-
tion.

whether any Office in respect of which a Claim as aforesaid has been made shall have been exercised jointly or by Deputy, in which Case any joint Holder of the Office, or the Person performing the Duties of the Office by Deputy, shall be entitled to make claim only in respect of the Emoluments actually received by him under or by virtue of any Arrangement entered into with the other joint Holder or the Deputy, as the Case may be ; and the Commissioners of Her Majesty's Treasury in each Case shall award such Compensation, if any, as they shall think fit.

Officers of any Ecclesiastical Court other than Prerogative Court of Canterbury may claim Compensation notwithstanding 6 & 7 W. 4. c. 77.

LXXXIX. Every Person holding an Office in any Ecclesiastical Court exercising Testamentary Jurisdiction other than the Prerogative Court of Canterbury, to which he has been appointed since the passing of the Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-seven, and whose Title to Compensation in respect of such Office is barred by the same Act or some subsequent Act, may, notwithstanding the Provisions of the same or any other Act, make a Claim for Compensation in respect of any Office which he may have held in such Ecclesiastical Court at the Time of the passing of the said Act of the Sixth and Seventh Years of the Reign of His said late Majesty King William the Fourth, and to an Award of Compensation, in like Manner in every respect as if he had continued to hold such Office down to the Time when this Act shall come into operation.

Compensation to Deputy Registrars of Prerogative Court.

XC. Inasmuch as the present Deputy Registrars of the Prerogative Court of Canterbury who are appointed Registrars under this Act are now allowed to practise as Proctors, and they will be prohibited from such Practice by the Provisions of this Act, such Deputy Registrars so appointed Registrars shall respectively be entitled to Compensation in respect of the Loss of the Emoluments arising from their Practice, reckoning such Emoluments according to such an Average prior to the Time of this Act coming into operation as the said Commissioners shall think proper.

Compensation to Judge of Prerogative Court.

XCI. There shall be awarded to the Judge of the Prerogative Court, by way of Compensation, an annual Sum equal in Amount to the net annual Value of the lawful Fees and Emoluments of his Office, according to such an Average prior to the Time of this Act coming into operation as the said Commissioners of Her Majesty's Treasury shall think proper, and such annual Sum shall be payable to him during his Life.

Persons appointed to Offices not

XCII. If any Person entitled under this Act to make such Claim for Compensation as aforesaid is or shall be appointed to any Office

Office or Employment under this Act, the Payment of the Compensation awarded to him under this Act so long as he shall continue to receive the Salary or Emoluments of such Office or Employment shall be suspended if the Amount of such Salary or Emoluments be
 5 equal to or greater than the Amount of such Compensation, and if any such Person is or shall be appointed to any Office or Employment under this Act the Salary or Emoluments of which may be less than the Amount of such Compensation, such Person shall be entitled to receive the Difference existing between the Amount of such Salary
 10 or Emoluments and the Amount of such Compensation, and no more.

to receive Compensation while holding such Offices, &c.

XCIII. And whereas by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled
 "An Act to authorize the Lord Archbishop of Canterbury for the
 "Time being to appoint a Person or Persons to the Office of Registrar of his Prerogative without a previous Surrender of the existing
 15 "Grant or Grants of the said Office," after reciting (among other things) that by virtue of a Grant of the Most Reverend John then late Archbishop of Canterbury, dated the Sixth Day of December One thousand seven hundred and ninety-nine, the Reverend George Moore
 20 and the Reverend Robert Moore then held the said Office, it was enacted, that it should be lawful for the Archbishop of Canterbury for the Time being, and from Time to Time (nevertheless with the Confirmation of the Dean and Chapter for the Time being of the Cathedral and Metropolitcal Church of Christ, Canterbury, to be
 25 testified as therein mentioned), notwithstanding any existing Grant or Grants for the Time being of the said Office, and without any previous Surrender of such existing Grant or Grants, to grant the said Office to any One Person for his Life, or to Two Persons for their Lives and the Life of the Survivor of them, so nevertheless
 30 that there should not be altogether more than Three Lives in the said Office at one and the same Time, and each of the Grants thereby authorized should take effect so as to be subject and without Prejudice to the Estates and Interest, Rights and Privileges, as well of the said George Moore and Robert Moore, and the Survivor of them, by
 35 virtue of the said recited Grant, as of all and every other Grantee or Grantees of the said Office for the Time being by virtue of any then existing Grant or Grants, and each of the Grants thereby authorized should have Priority respectively and successively over every subsequent Grant of the said Office: And whereas the Most
 40 Reverend Charles late Archbishop of Canterbury did, by virtue of the Power given by the last-recited Act, by Letters Patent under his Archiepiscopal Seal, dated the Twenty-first Day of June One thousand eight hundred and twenty-eight, with the Confirmation of the Dean and Chapter of the Cathedral and Metropolitcal Church of

Clause for Protection of the Interests of the Right Hon. Charles Viscount Canterbury.

Christ, Canterbury, grant the said Office of Registrar of his Prerogative to the Right Honourable Charles Manners Sutton, now Viscount Canterbury, then Charles Manners Sutton, Esquire, the eldest Son and next Heir Male of the Right Honourable Charles Manners Sutton, late Viscount Canterbury, for his Life, subject and without 5
Prejudice to the Estates and Interests, Rights and Privileges, of the said George Moore and Robert Moore, and the Survivor of them, by virtue of the said Grant of the Sixth Day of December One thousand seven hundred and ninety-nine: And whereas by an Act passed in the Session of Parliament held in the Second and Third Years of the 10
Reign of His late Majesty King William the Fourth, intituled "An Act for settling and securing Annuities on the Right Honourable Charles Manners Sutton and on his next Heir Male, in consideration of the eminent Services of the said Right Honourable Charles Manners Sutton," it was enacted, that an Annuity of Four thousand Pounds should be payable out of and charged upon the Consolidated 15
Fund of the United Kingdom of Great Britain and Ireland, and be paid to the said Right Honourable Charles Manners Sutton, late Viscount Canterbury, during his Life, and should commence from the Time therein mentioned, and that after the Decease of the said Charles late Viscount Canterbury One Annuity of Three thousand 20
Pounds should be payable out of and charged upon the said Consolidated Fund, to be paid to the then Heir Male of the Body of the said Charles late Viscount Canterbury during the natural Life of such Heir Male; and after reciting, that the said Charles now Viscount Canterbury, then Charles Manners Sutton, Esquire, the 25
eldest Son and next Heir Male of the Body of the said Charles late Viscount Canterbury, stood possessed of a contingent beneficial Interest in the Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, it was further enacted, that in the event of the said Charles now Viscount Canterbury having suc- 30
ceeded to and being in the Possession of the said Annuity of Three thousand Pounds, and afterwards becoming entitled to the full Possession of the said Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury; and to the Fees, Perquisites, Profits, and Emoluments thereof (provided the same should exceed the annual 35
Sum of Three thousand Pounds), then and in either of the Cases aforesaid the said Annuity of Three thousand Pounds should cease and determine and be no longer payable to the said Charles now Viscount Canterbury: Provided nevertheless, that if the said Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar 40
should not produce the net annual Sum of Three thousand Pounds to the said Charles now Viscount Canterbury, then there should be issued and paid out of the said Consolidated Fund such a Sum of Money annually as, together with the said Fees, Perquisites, Profits,
and 45

and Emoluments, would make up a clear annual Income to the said Charles now Viscount Canterbury of Three thousand Pounds: And whereas the said Charles now Viscount Canterbury, upon the Decease of the said Charles late Viscount Canterbury, succeeded to
5 and is now in possession of the Annuity of Three thousand Pounds, but he is not yet in possession of the said Office of Registrar: Be it therefore enacted as follows: There shall be awarded to the said Charles now Viscount Canterbury, as a Compensation for the Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar
10 of the Prerogative of the Lord Archbishop of Canterbury, an Annuity to be calculated upon the average yearly net Receipts of the legal Fees, Perquisites, Profits, and Emoluments of the said Office during such Period next preceding the Time when this Act shall come into operation as the Commissioners of Her Majesty's Treasury shall think
15 proper; and such Annuity shall commence from the Time of this Act coming into operation, if the said Charles Viscount Canterbury shall then be in possession of the said Office, and if not, then from the Time at which the said Charles Viscount Canterbury would have become entitled but for the passing of this Act to the full Possession of the
20 said Office, and to the Receipt of the Fees, Perquisites, Profits, and Emoluments thereof, and shall be paid to the said Charles Viscount Canterbury thenceforth during his Life; provided, that if the said Annuity by way of Compensation shall exceed the annual Sum of Three thousand Pounds, then the said Annuity of Three thousand
25 Pounds payable under the said last-recited Act to the said Charles Viscount Canterbury shall, from and after the Commencement of the said Annuity by way of Compensation, cease and determine, and shall not be payable to the said Charles Viscount Canterbury; and in case the Annuity awarded by way of Compensation shall be less than the net annual Sum of Three thousand
30 Pounds, the Provision contained in the said recited Act passed in the Session of Parliament held in the Second and Third Years of His late Majesty King William the Fourth, for the Payment unto the Heir Male of the Body of the said Charles Viscount Canterbury out
35 of the said Consolidated Fund of such a Sum of Money annually as, together with the said Fees, Perquisites, Profits, and Emoluments, would make up a clear Income to him of Three thousand Pounds, shall, from and after the Commencement of the said Annuity by way of Compensation, be applicable to and be in force for the Purpose of
40 making up, together with the said Annuity so to be awarded in lieu of such Fees, Perquisites, Profits, and Emoluments as aforesaid, a clear annual Income of Three thousand Pounds to the said Charles now Viscount Canterbury during his Life.

Account of
Compensa-
tion to be laid
before Par-
liament.

XCIV. An Account of all Compensations awarded under this Act shall, within Fourteen Days next after the same shall have been granted, be laid upon the Table of the Commons House of Parliament, if Parliament be then assembled, or if Parliament be not then assembled, then within Fourteen Days next after the First Meeting thereof. 5

Time of Pay-
ment of Sala-
ries, &c.

XCV. All Salaries, Compensation Allowances, and Superannuations or retiring Allowances shall grow due from Day to Day, but shall be payable on the Third Day of February, the Third Day of May, the Third Day of August, and the Third Day of November in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto out of the Fund standing in the Name of the Accountant General of the Court of Chancery to the aforesaid Account, intituled "The Testamentary Fee Fund Account," by virtue of any Order or Orders to be made from Time to Time for that Purpose, without any Draft from the Accountant General. 10 15

Rev. Mr.
Moore's
Compensa-
tion to
be paid out
of "The
Testamen-
tary Fee
Fund
Account."

XCVI. The Compensation payable to the Rev. Robert Moore, Clerk, in respect of such Claim, Title, and Interest as aforesaid in or in respect of the said Building at present used as the Public Registry of the Prerogative Court, shall be paid to the said Robert Moore, his Executors or Administrators, out of the Fund standing in the Name of the Accountant General of the Court of Chancery to the aforesaid Account, "The Testamentary Fee Fund Account." 20

Power to
Lord Chan-
cellor to
order Sur-
plus of Tes-
tamentary
Fee Fund
to be paid
into the
Exchequer.

XCVII. If at the End of any Year there shall be a Surplus standing to the Credit of the said Account, "The Testamentary Fee Fund Account," after the Payment of the several Salaries and Sums of Money charged thereon by this Act, it shall be lawful for the Lord Chancellor, by any Order, to direct that the whole or any Part of such Surplus shall be paid into the Receipt of the Exchequer, to the Credit of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such Time and in such Manner as he shall think fit; and in the event of the said Fee Fund being at any Time insufficient to defray the Salaries, Compensations, and other Charges thereon, it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby authorized and required to direct the Amount of such Deficiency to be charged upon and paid out of the said Consolidated Fund. 25 30 35

If Fund in-
sufficient to
defray
Salaries, &c.,
Commis-
sioners of the
Treasury to
provide for
same.

Extent of
Act.

XCVIII. This Act shall not extend to Scotland or Ireland.

SCHEDULE A.

DISTRICTS and PLACES of DISTRICT OFFICES throughout ENGLAND and WALES.

Districts.	Places of District Offices.	Districts.	Places of District Offices.
Counties of Northumberland and Durham (a)	Durham.	County of Lincoln (e)	Lincoln.
Counties of Cumberland and Westmorland	Carlisle.	Counties of Salop Merioneth Montgomery	Shrewsbury
County of York (b)	York.	Counties of Rutland and Northern Division of Northampton and Counties of Huntingdon and Cambridge (f)	Peterborough.
County of Lancaster except the Hundred of Salford and West Derby and the City of Manchester.	Lancaster.	County of Norfolk (g)	Norwich.
City of Manchester and Hundred of Salford	Manchester.	County of Suffolk and North Division of the County of Essex	Ipswich.
Hundred of West Derby in Lancashire Cheshire (c) Flint Denbigh Carnarvon Anglesea	Chester.	County of Bedford and Southern Division of Northamptonshire (h)	Northampton.
Counties of Derby Nottingham (d) Leicester	Nottingham.	Counties of Warwick (i) and Stafford (k)	Lichfield.
		Counties of Radnor Brecknock Hereford Monmouth	Hereford.

- (a) Including the Towns of Newcastle-upon-Tyne and Berwick-upon-Tweed.
 (b) Including the City of York and Ainsty and the Town of Kingston-upon-Hull.
 (c) Including the City of Chester.
 (d) Including the Town of Nottingham.
 (e) Including the City of Lincoln.
 (f) Including the University of Cambridge.
 (g) Including the City of Norwich.
 (h) Including the Town of Northampton.
 (i) Including the City of Coventry.
 (k) Including the City of Lichfield.

Districts.	Places of District Offices.	Districts.	Places of District Offices.
Counties of Cardigan Carmarthen (<i>a</i>) Pembroke (<i>b</i>) Glamorgan	Carmarthen.	County of Somerset except Bath District	Bridgewater.
Counties of Worcester (<i>c</i>) and Gloucester (<i>d</i>) except Bristol District	Gloucester.	County of Devon (<i>f</i>)	Exeter.
Bristol and Bath County Court Districts	Bristol.	County of Cornwall	Bodmin.
Counties of Oxford (<i>e</i>) Berks Bucks	Oxford.	County of Wilts	Salisbury.
		County of Dorset (<i>g</i>)	Blandford.
		County of Hants (<i>h</i>)	Winchester.
		County of Sussex (<i>i</i>)	Lewes.
		East Division of the County of Kent (<i>k</i>)	Canterbury.

(*a*) Including the Town of Carmarthen.

(*b*) Including the Town of Haverfordwest.

(*c*) Including the City of Worcester.

(*d*) Including the City of Gloucester.

(*e*) Including the University of Oxford.

(*f*) Including the City of Exeter.

(*g*) Including the Town of Poole.

(*h*) Including the Town of Southampton.

(*i*) Including such of the Cinque Ports and their Dependencies as are locally situate in the County of Sussex.

(*k*) Including the City of Canterbury, and such of the Cinque Ports and their Dependencies as are locally situate in the County of Kent.

SCHEDULE B.

FORM OF AFFIDAVIT AND SCHEDULE.

IN Chancery _____

In the Matter of the Estate of *A.B.* deceased.

I *C.D.*

of

applying for

the Person [*or one of the Persons*]
of the
late of

Insert the
Names and
Residences,
and the
Titles or
Professions
of the Per-
sons making
the Affidavit.

deceased,

make Oath and say, That the said *A.B.* died on or about the

Day of

One thousand
at

hundred and

Insert the
Nature of
the Grant,
and Descrip-
tion of the
Deceased.

In case of
Quakers,
solemnly
affirmed.

and that

the Personal Estate and Effects of the said Deceased which he any way
died possessed of or entitled to, and for or in respect of which

Insert Place
of Death, or
set forth the
Reason why
the same
cannot be
furnished.

to be granted, exclusive of what

the said Deceased may have been possessed of or entitled to as a
Trustee for any other Person or Persons, and not beneficially,

and without deducting any thing on account of the Debts due and
owing from the said Deceased, are under the Value of

Insert as to
Leasehold
Estates, if
any.

Pounds, to the best of my

Knowledge, Information, and Belief.

and that the Schedule hereunto annexed, to which I have set and
subscribed my Name, contains, to the best of my Knowledge, Informa-
tion, and Belief, the Nature and Description of the said Personal Estate
and Effects.

If no Lease-
hold Estates,
insert so
here.

Sworn at
Before me

[81.]

E

SCHE-

SCHEDULE OF PERSONAL ESTATE.

	Value.
	£ s. d.
Household Goods, Linen, Wearing Apparel, Books, Plate, &c. at [State where situate.]	
Stock in Trade, Farming Stock, and Implements of Husbandry at [State where situate.]	
Property in the Public Stocks or Funds transferable at the Bank or South Sea House.	
Leasehold Property at [State where situate.]	
Property in Public Companies. [State what Companies.]	
Money out on Mortgage and other Securities. [State what Mortgages or other Securities.]	
Other Personal Property, not comprised under the foregoing Heads. [State the Nature and Description.]	

SCHE-

SCHEDULE C.

	Annual Salary.
	£
<i>The Three Registrars in London, each</i>	1,500
<i>The Record Keepers, each</i>	600
<i>The Sealer</i>	300

Testamentary Jurisdiction.

A

BILL

INTITLED

An Act to transfer to the Court of Chancery the Testamentary Jurisdiction of the Ecclesiastical Courts, and to alter and amend the Law in relation to Matters of Testacy and Intestacy.

(Brought from the Lords 11 April 1855)

*Ordered, by The House of Commons, to be Printed,
1 May 1854.*

[Bills 81.]

Under 22.

17 May 1854. 17 VICT.



(Ireland.)

A

B I L L

TO

Provide for the annual Variation of Rentcharges
in lieu of Tithe in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS by an Act passed in the Fourth Year of the Preamble.
Reign of His late Majesty King George the Fourth, in-
titled “An Act to provide for the establishing of Compo- 4 G. 4. c. 99.
“sitions for Tithes in Ireland for a limited Time,” Commissioners, to
5 be appointed as therein mentioned, were empowered to agree in fixing
the Amount of Sums to be paid as a Composition of all Tithes in Ire-
land, and to give Certificates of such Amounts for each Parish in Ireland,
calculated on the average annual Amount paid during Seven Years pre-
ceding the First November One thousand eight hundred and twenty-
10 one, such Composition to continue from the First Day of November next
ensuing each Certificate, and to continue Twenty-one Years, subject
to be increased and decreased every Three Years during such Com-
position according to the average Price of Wheat and Oats for the
Three Years next preceding within the County where the Parish was
15 situate, such Variation to be applied for, made, and effected in manner
and form therein mentioned, and it was thereby provided that such
Composition was to cease and determine at the End of Twenty-one
Years : And whereas the said Act was, by another Act passed in the
[Bill 103.] A Fifth

- 5 G. 4. c. 63. Fifth Year of the same Reign, amended, whereby it was provided that in all Cases of Composition for Tithe in Ireland made after that Act the same should not be subject to be increased or decreased, except on the Seventh and Fourteenth Years next after the Commencement of each Composition; and that such Alteration, as well as at the End 5 of every Third Year under the first-recited Act should be made only with reference to the average Price of Corn as advertised in the Dublin Gazette during the Seven Years immediately preceding such Variation, to be applied for, made, and effected in the same Manner and Form as prescribed by the first-recited Act; and it was further provided 10 that it might be lawful to agree that Compositions for Tithe should continue for Twenty-one Years without Variation: And whereas both the said Acts were afterwards further amended by an Act passed in the Seventh and Eighth Years of the same Reign: And whereas by an Act passed in the Second and Third Years of the Reign of His 15 late Majesty's Reign, intituled "An Act to amend Three Acts, passed " respectively in the Fourth and Fifth and in the Seventh and Eighth " Years of the Reign of His late Majesty King George the Fourth, " providing for the Establishment of Compositions for Tithes in Ire- " land, and to make such Compositions permanent," every Parish in 20 Ireland was made subject to Composition for Tithe as therein mentioned; and it was thereby provided, that all Compositions theretofore or thereafter to be made should remain and endure for ever, subject to Variation as to such Composition theretofore made at the same Periods as then liable to, and as to such as were invariable for Twenty- 25 one Years, then subject to Variation at the Determination of such Period, and thenceforth in each succeeding Seven Years, and as to Composition thereafter to be made subject to Variation in each Seventh Year next after the Day for which Composition should cease all Compositions to be increased or decreased with reference to the average Price 30 of Corn as advertised in the Dublin Gazette during Seven Years immediately preceding such Variation, to be applied for, made, and effected as prescribed in and by the former recited Acts; And whereas by an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled "An Act to abolish Composition for Tithes 35 " in Ireland, and to substitute Rentcharges in lieu thereof," Rentcharges are substituted, subject to certain Allowances therein mentioned, and allowed, in lieu of Composition for Tithe theretofore in force in Ireland, and it is thereby provided that Rentcharges thereby substituted and made payable in lieu of Tithe should be variable in 40 like Manner as Compositions for Tithe: And whereas by the said recited Acts the Periods at which Rentcharges in lieu of Tithes are variable in the different Parishes in Ireland are not uniform, and also by reason of the Forms and Proceedings to be taken pursuant to the said recited Acts in order to effect such Increase or Decrease few Applica- 45 tions
- 7 & 8 G. 4. c. 60.
- 2 & 3 W. 4. c. 119.
- 1 & 2 Vict. c. 109.

tions for the Variation of the Amount of Rentcharges in lieu of Tithe payable in Ireland under the said recited Acts have been successfully made, although the average Price of Corn during the Years during which such Rentcharges have been paid has been varied considerably: It is expedient that all Rentcharges in lieu of Tithe in Ireland shall henceforth increase or decrease at one and the same Time, and be payable in every Year according to the average Price of Corn computed on the Seven Years immediately preceding the Year in respect of which the said Rentcharge in lieu of Tithe shall be payable: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, as follows:

I. So much of the said several recited Acts as provide for the Increase or Decrease of Rentcharges as substituted for Compensation for Tithe in Ireland, and the Manner and Form in which the Variation of the same was thereby to be applied for, made, and effected, shall be and are hereby respectively repealed, and from and after the passing of *this Act* all Rentcharges in lieu of Tithe payable in Ireland shall increase and decrease and be subject to Variation at the Times and in the Manner and Form and according to the Averages of Corn to be computed as herein-after provided, and not otherwise; and in all other respects the said several recited Acts and Provisions thereof shall remain in full Force and Effect.

Repeal of the recited Acts so far as they relate to the Variation of Rentcharges in lieu of Tithe.

II. In the Month of *January One thousand eight hundred and fifty-five*, and also in the Month of *January* in every succeeding and successive Year afterwards, the Comptroller of Returns of Agricultural Produce in Ireland for the Time being shall insert or cause to be inserted in the Dublin Gazette an Advertisement, entitled "The Averages of Corn to regulate Rentcharges in lieu of Tithe in Ireland for the then Year," in which he shall state what has been the average Price of One Cwt. of Wheat, Barley, and Oats, computed from the Averages of the same as advertised in the *First Week of January* for the next preceding *Six Years* and in the then present Month of *January*, and such Comptroller shall, in computing the Averages for the Year *One thousand eight hundred and fifty-five*, and all succeeding and successive Years, take the same from the weekly Averages to be made pursuant to the Act passed in this present Session, intituled "An Act to provide for the taking and regulating Returns of the average Prices of Agricultural Produce in Ireland."

In the Month of January in every Year, the Comptroller of Corn Returns shall insert in the Dublin Gazette the Averages, to regulate Rentcharges in lieu of Tithe, computed from the Averages of the Seven Years next preceding.

III. Every Rentcharge in lieu of Tithe charged on and payable out of Lands in Ireland from and after the *First Day of January One thousand eight hundred and fifty-five*, and every succeeding and suc-

Rentcharge in lieu of Tithe, after the Month of January 1855, shall

vary in pro-
the Price of
Corn at the
Time the
Composition
was entered

into shall
bear to the
Price of Corn
to be adver-
tised in the
Dublin Ga-
zette in
January
1855 and
succeeding
Years.

cessive Year afterwards, shall increase and decrease in the same Pro-
portion as the average Price of any particular Species of Corn men-
tioned in the Certificate of each respective Composition or Variation
thereof, and where the Price of Corn shall not be stated in any such
Certificate, then as the Seven Years average Price of the particular 5
Species of Corn mentioned in the Certificates respectively, as adver-
tised in the Dublin Gazette at the Time and in respect of which such
Compositions or Variation thereof were made and entered into, shall
bear to the average Price of Wheat, Barley, and Oats at Seven Years
Average so to be taken and advertised in the Month of *January One* 10
thousand eight hundred and fifty-five, and every succeeding and
successive Year afterwards, as herein-before provided, so that all
Rentcharges in lieu of Tithe payable after the *First of January One*
thousand eight hundred and fifty-five, and every successive and 15
succeeding Year afterwards, shall be deemed and taken to be of that
Value as if the Amount of each Rentcharge in lieu of Tithe charged
on and payable out of Lands in Ireland had been laid out in the
Purchase of that Species of Corn, Wheat, or Oats, as the Case may
be, and at the Seven Years Average of such Corn in respect of
which such Compensation was made and computed, and that the 20
same Quantity of such Corn was in the Month of *January One*
thousand eight hundred and fifty-five, and every succeeding and
successive Year afterwards, converted into Quantities, computed by
the Hundredweight, of Wheat, Barley, and Oats, equal in Value to 25
each other, and then such Wheat, Barley, and Oats sold at the Price
of Corn at Seven Years Average so to be advertised in the Month of
January One thousand eight hundred and fifty-five, and every suc-
ceeding and successive Year, and such Rentcharge shall be from
Time to Time applotted, levied, and paid in such and the same
Proportions from the several Persons liable to pay the same, in the 30
same Manner as the Rentcharge in lieu of Tithe is made leviable,
recoverable, and payable by the said several recited Acts and all other
Acts now in force.

Tithe Rentcharge.

(Ireland.)

A

BILL

To provide for the annual Variation of
Rentcharges in lieu of Tithe in
Ireland.

(Prepared and brought in by
*Mr. Bland, Mr. Fitzgerald, and Mr. Francis
Scully.*)

*Ordered, by The House of Commons, to be Printed,
17 May 1854.*

[Bill 103.]

Under 1 oz.

Towns Improvement (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Interpretation of Terms; sect. 1.

Short Title of Act; 2.

Form in which Portions of this Act may be incorporated in other Acts or in Documents; 3.

On Application of Twenty-one Eight Pound Householdors of any Town, Lord Lieutenant may order Mayor, &c., to convene a Meeting to consider the carrying this Act into execution therein; 4.

Order to specify the Boundaries of the Town for the Purposes of Act. If Act adopted, same to be the Boundaries; 5.

Notice of such Meeting, when and how to be given; 6.

At such Meeting Persons rated for One Year to Poor Rates for Premises of the annual Value of Eight Pounds within the Town to have Votes. Right of voting to be determined by Chairman; 7.

Power of Meeting to adopt this Act, or to decline to adopt it; 8.

Expenses attending the calling First Meeting, &c. how to be borne; 9.

Chairman to declare the Determination of the Meeting; 10.

How Minutes of Meeting to be worded if Act adopted in part only; 11.

If Act not adopted, Proposal may be re-considered after One Year; 12.

A certified Copy of Determination of such Meeting to be transmitted to the Lord Lieutenant; if Lord Lieutenant approve of such Determination, Notice of Approbation to be published in Dublin Gazette, and Act put in force accordingly; 13.

Number of Commissioners; 14.

Where 9 G. 4, c. 82, in force in any Town, same to be no longer in force after First Election of Commissioners under this Act; 15.

Where a Local Act provides for any Purposes of this Act, this Act not to be put in force without previous Consent of Two Thirds of Commissioners under Local Act. After Adoption of this Act, Local Act to be no longer in force for the Purposes of this Act; 16.

Qualification for voting under Local Acts to cease, and an Eight Pound rating to the Relief of the Poor to be substituted in Lieu thereof; 17.

[Bill 12.]

a

After Commencement of this Act Lord Lieutenant not to direct Meetings to be called for considering the Adoption of the 9 G. 4, c. 82; 18.

Where Commissioners under Local Act decline to Consent to the Adoption of this Act, same may be adopted by Consent of Two-Thirds of the Town Council; 19.

Election and Rotation of Commissioners.

First Election of Commissioners; 20.

Qualification of Electors; 21.

Day for Election; 22.

"Commissioners Clauses Act," as to Election and Rotation of Commissioners, incorporated herewith, save as above provided; 23.

Qualification of Commissioners.

Qualification of Commissioners; 24.

"Commissioners Clauses Act," as to Qualification, incorporated, save as above; 25.

Meetings and Proceedings of Commissioners.

First Meeting; statutory annual Meetings; special Meetings; 26.

"Commissioners Clauses Act," as to Meetings, incorporated; 27.

Chairman of Commissioners to be a Justice of Peace for the Purposes of the Act; 28.

Officers, Surveyor, Inspector of Nuisances, &c.

"Towns Improvement Clauses Act" incorporated; Approval of Lord Lieutenant required; 29.

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"Towns Improvement Clauses Act" relative thereto incorporated; 30.

Purchase of Lands.

Power to Commissioners to purchase or take Land; "Towns Improvement Clauses Act" relative thereto incorporated; 31.

Sewers.

Power to purchase certain Sewers; 32.

"Towns Improvement Clauses Act" relative thereto incorporated; Appeal; 33.

Drainage of Houses.

"Towns Improvement Clauses Act" relative thereto incorporated; Appeal; 34.

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“ Towns Improvement Clauses Act ” relative thereto incorporated ; 35.

New Streets.

“ Towns Improvement Clauses Act ” relative thereto incorporated :
Appeal ; 36.

Naming, Numbering, and Improving Streets.

“ Towns Improvement Clauses Act ” relative thereto incorporated ;
Appeal ; 37.

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“ Towns Improvement Clauses Act ” relative thereto incorporated ; 38.

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Ventilation.

“ Towns Improvement Clauses Act ” relative thereto incorporated ;
Appeal ; 43.

Lodging House.

Regulation of Lodging Keepers to report Persons resorting thereto ; 44.

“ Towns Improvement Clauses Act ” relative thereto incorporated,
save as above provided ; 45.

Slaughter-houses.

“ Towns Improvement Clauses Act ” relative thereto incorporated ;
saving of Rights ; 46.

Offensive Trades ; 47.

Lighting.

Commissioners may contract for lighting Streets ; Price to be paid for Gas to be ascertained in case of Dispute ; 48.

Water.

" Towns Improvement Clauses Act " relative thereto incorporated ; Commissioners may provide Supply of Water, and erect Waterworks ; Water may be kept under Pressure ; Commissioners not to erect Waterworks if Waterworks Company willing to supply Water ; 49.

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Special Order, Clocks, Entry of Commissioners, Execution of Works.

" Towns Improvement Clauses Act " relative thereto incorporated ; 52.

Markets.

Commissioners may provide additional Market Places ; Notice to be given of opening new Market Places, and the Charges, &c. ; 53.

Weighing Machines.

Weighing Machines to be erected ; Penalty on Driver refusing to weigh ; Penalty on fraudulent weighing ; 54.

Retailers of Coals to keep Scales and Weights for weighing at the time of Delivery ; 55.

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Commissioners to make Assessment for the Purposes of this Act ; 61.
Assessment Book to be made up, and Objections how to be entered
and disposed of by the Commissioners ; Copy of Assessment Book
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of Appearance, Goods of Party may be distrained ; 63.

Immediate Lessors of Property of less value than 4*l.*, or in certain
Boroughs than 8*l.*, to be assessed for the same ; 64.

Recovery of Assessment from Lessors by Action of Civil Bill, or by
Warrant of Distress. If Assessment be not paid by the Lessor it
may be recovered from the Occupier, who may deduct it from
Rent ; “ Towns Improvement Clauses Act ” relative hereto
incorporated, save as above provided ; 65.

Private and District Assessments.

“ Towns Improvement Clauses Act ” relative thereto incorporated ;
Recovery of such Assessments ; 66.

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How Objections to be entered and disposed of ; 67.

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The Provisions of “ The Commissioners Clauses Act ” relative to
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Power to Commissioners to borrow Money for Purposes of Act ;
Commissioners not to be personally responsible ; Provisions of
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Power to impound stray Cattle, and sell them for Penalty and
Expenses ; 71.

Penalty on Persons committing any of the Offences herein named,
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viour ; 72.

And on Vagrants and Beggars ; 73—75.

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Penalty for wilfully setting Chimneys on fire; for accidentally allowing Chimneys to catch fire; 76.

Fire Engines may be provided and Firemen employed by the Commissioners, and permitted to go beyond the Limits of the Town in certain Cases; 77.

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Penalty on Victuallers entertaining Constables while on Duty, and for harbouring disorderly Persons; 78.

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Hackney Carriages to be licensed; Fee to be paid for Licences; Persons applying for a Licence to sign a Requisition for same; 83.

What shall be specified in the Licence; Licence to be in force for One Year only; Licences to be registered; 84.

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Drivers not to act without first obtaining a Licence; Penalty on Drivers acting without Licence; Licences to be suspended or revoked for Misconduct; 86.

Number of Persons to be carried in a Hackney Carriage to be painted thereon; Penalty for Neglect or for Refusal to carry the prescribed Number; Penalty on Driver for refusing to drive; 87.

Penalty for demanding more than Sum agreed for, though less than legal Fare; Agreement to pay more than legal Fare not binding; Overcharge by Hackney Coachman, &c., to be included in Conviction, and returned to aggrieved Party; 88.

Penalty on Drivers misbehaving; improperly standing with Carriage, refusing to give way to, or obstructing any other Driver, or depriving him of his Fare; Damage done by Driver may be recovered from the Proprietor; 89.

Penalty for leaving Carriages unattended at Places of public Resort; 90.

Penalty for refusing to pay the Fare; Penalty for damaging Carriage; 91.

Commissioners may make Byelaws for regulating Hackney Carriages; 92.

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Commissioners may appoint Watchmen; Powers of Watchmen; Penalty for harbouring Watchmen during Hours of Duty; 93.

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Recovery of Damages, &c.; 94.

Mode of proceeding before Justices; Form of Conviction; Justices, though Commissioners, may act under this Act; Penalty on Persons giving false Evidence; 95.

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Bonds, Contracts, &c., under former Act to be saved; 102.

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SCHEDULES.



(Ireland.)

A

B I L L

TO

Make better Provision for the paving, lighting,
draining, cleansing, supplying with Water, and
Regulation of Towns in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS it is expedient to make better Provision for the Preamble.
paving, lighting, draining, cleansing, supplying with
Water, and Regulation of Towns in Ireland, and to extend
to such Towns certain Provisions of "The Commissioners Clauses 10 Vict. c. 16.
5 Act, 1847," and of "The Towns Improvement Clauses Act, 1847," 10 & 11 Vict.
and of certain other Acts herein-after mentioned: Be it enacted by c. 24.
the Queen's most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same,
10 That—

I. The following Words and Expressions in this Act shall have the Interpretation of Terms
Meanings hereby assigned to them, unless there be something in the in this Act.
Subject or Context repugnant to such Construction; (that is to say,) "Town."
the Word "Town" shall mean and include a City, Town Corporate,
15 Borough, Market Town, or other Town in Ireland, containing a
Population of *One thousand* Inhabitants or upwards, as ascertained
by their last Population Returns made pursuant to Act of Par-
[Bill 12.] A liament;

"Lord Lieutenant."	liament; the Expression "the Lord Lieutenant" or "Lord Lieutenant of Ireland" shall include any other Chief Governor or	
"Person."	Governors of Ireland; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations;	
"Householder."	the Word "Householder" shall mean a Male Occupier of a Dwelling House, or of any Lands, Tenements, or Hereditaments within the prescribed Boundaries of the Town rated to the Relief of the Poor in respect thereof; the Word "Occupier" shall extend to and include an immediate Lessor made liable under this Act to Assessments in cases of Premises of such small annual Value as herein-before mentioned	5
Occupier."	respectively in that behalf, and such Word "Occupier" shall not include a Lodger or a Party in the Occupation as Tenant of a Furnished House let for a less Period than One Year, but shall include the Party by whom such furnished House is so let; the Expression "Lodging House" shall mean a House in which Lodgers are housed for a less	10
"Lodging House."	Period than One Week at a Time, at an Amount not exceeding <i>Fourpence</i> per Head per Night; the Word "County" shall include a County of a City or County of a Town; the Expression "the Commissioners" shall mean a Majority of the Commissioners for the Purposes of this Act acting in and for a Town by which this Act has been in whole or	15
"County."	in Part adopted; the Word "Treasurer" shall mean any Bank or Banking Company appointed by the Commissioners to act as their Treasurer; the Word "Lands" and the Word "Premises" shall include all Lands, Springs, Dwelling Houses, Shops, Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, and other	20
"Commissioners."	Houses and Buildings, and Yards and Places; the Word "Street" shall extend to and include any Road, Bridge, Lane, Square, Court, Alley, and Thoroughfare or Public Passage; the Word "Oath" shall include Affirmation in the Case of Quakers, and Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath;	25
"Treasurer."	the Word "Owner," used with reference to any Lands or Premises in respect of which any Work is required to be done, or any Assessment paid under this Act, shall mean the Person for the Time entitled to receive, or who, if such Lands or Premises were let to a Tenant at a Rackrent, would be entitled to receive the Rack Rent from the	30
"Lands."	Occupier thereof; the Expression "Assistant Barrister" shall mean the Assistant Barrister for the County or Place in which the Lands or Premises in question are situate, and shall also include the Chairman of the Sessions of the Peace of the County of Dublin; the Expression	35
"Premises."	"Rackrent" shall mean Rent which is not less than <i>Two Thirds</i> of the full net annual Value of the Property out of which the Rent arises, and the full net annual Value shall (save as regards any Valuation for Poor Rates or Valuation for Assessments under this Act) be taken to be the Rent at which the Property ought reasonably to be expected to Let from Year to Year, free from all Quit Rent, Head Rent, Ground	40
"Street."	Rent,	45
"Oath."		
"Owner."		
"Assistant Barrister."		
"Rackrent."		

Rent, and usual Tenants Rates and Taxes, and deducting therefrom the probable annual Cost of the Repairs, Insurance, and other Expenses (if any) necessary to maintain the same in a state to command such Rent; the Expression "Private Assessment" shall mean any Assessment or Charge on Individuals for Private Improvement Expenses, or for House Drainage, or otherwise under this Act; the Expression "District Assessment" shall mean any Assessment other than a "Private Assessment" which is confined only to a Portion or District of any Town; the Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine; the Expression "lawful Day" shall mean a Day not being Sunday, Christmas Day, or Good Friday, and when any Number of Days is appointed by this Act, the same shall be construed to mean such lawful Days, and be computed inclusive of the first, and exclusive of the last of such Days; Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; and Words importing the Masculine Gender (except only the Word "Male") shall include Females.

"Private Assessment."

"District Assessment."

"Cattle."

"Lawful Day."

Number.

Gender.

II. In citing this Act in other Acts of Parliament, and in legal Instruments, and in pleading, it shall be enough to use the Expression "The Towns Improvement (Ireland) Act, 1854."

Short Title of this Act.

III. For the purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be enough to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the Clauses so described, or that this Act, with the exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act; and such Reference to said introductory Words shall also be a sufficient Incorporation thereof in any Notice, Application, or other Proceeding under this Act.

Form in which Portions of this Act may be Incorporated in other Acts, or in Documents.

IV. Upon the Application of *Twenty-one* or more Household-ers of any Town in Ireland, each of such Household-ers occupying a Dwelling House or other Lands, Tenements, or Hereditaments within such Town, and rated in respect thereof to the Relief of the Poor at a net annual Value of *Eight Pounds* or upwards, applying that this Act, or that specific Portion thereof (described as herein-before provided) may be carried into execution in such City or Town, it shall be lawful for the Lord Lieutenant of Ireland to order and direct that the Mayor or other Chief Magistrate of such Town (being a Corporate Town), or the Chairman of the

On Application of *Twenty-one* Household-ers of any Town, Lord Lieutenant may order Mayor, &c. to convene a meeting to consider the carrying this

Act into execution therein.

Town Commissioners for the Time being under the Act of the Ninth Year of King George the Fourth, Chapter Eighty-two (wherever the same shall be in force), or any Two or more Justices of the Peace resident within *Ten* Miles of such Town, shall convene a Meeting for the Purpose of considering the carrying of this Act into execution, and shall 5 preside thereat ; such Orders and Directions to be signified by the Chief Secretary of the Lord Lieutenant, or in his Absence by the Under Secretary, and a Copy of such Orders and Directions, with the Names of the Parties signing the Application for the same, shall be inserted, under the Direction of such Chief or Under Secretary, in the Dublin Gazette, 10 and in one or more Newspaper or Newspapers published in such Town, and if none be therein published, then in one or more Newspapers published nearest to such City or Town.

Order to specify the Boundaries of Town for the purposes of this Act. If Act adopted, same to be the Boundaries.

V. Any such Order and Direction as aforesaid shall describe and 15 specify the Boundaries, for the Purposes of this Act, of such Town ; and the same shall be in like Manner published in such Gazette and Newspaper or Newspapers as aforesaid ; and if this Act shall be adopted in manner herein mentioned, in the whole or in part, such Boundaries shall be deemed to be the Boundaries of such City or Town, for the 20 Purposes of this Act.

Notice of such Meeting, when and how to be given.

VI. Such Meeting shall be holden at some convenient Place within such City or Town, and the said Mayor, or other Chief Magistrate, or Chairman of the Town Commissioners, or Justices, as the Case may be, shall, within *Ten* Days after the Receipt of such Orders and 25 Directions signified as aforesaid, appoint and notify a Place within the Town, and a Time for holding such Meeting, which Time shall not be less than *Ten* Days, and not more than *Twenty-one* Days, from the Time of so first notifying the same ; and such Notification shall be made by affixing Notices by Handbills *Ten* Days before the Day 30 of the Meeting, in the Form in the Schedule marked (A.) to this Act annexed, on the Outside of the principal Doors of every Parish Church and Roman Catholic Chapel (if any) situate within such Town, and on the principal Market House or Place where Markets are usually holden in the same, and on the Door of the Sessions House where the 35 General Quarter Sessions of the Peace shall be holden for such City or Town, or for the Division in which the same shall be situate, and also by causing a Notice of like Purport to be inserted Twice in any Newspaper or Newspapers published within such City or Town, and if none be therein published, then in the Newspaper published nearest 40 to such City or Town.

At such Meeting, Persons

VII. At any such Meeting convened as aforesaid such Persons as next herein-after mentioned shall be admitted and entitled to vote, and

and no other Person whatsoever; that is to say, every Male Person of full Age who shall have occupied as Tenant or Owner, or shall have been the immediate Lessor (rated for such Premises to the Relief of the Poor) of any Lands, Tenements, or Hereditaments within such
5 City or Town, or within such Boundaries of the same respectively as aforesaid, and shall have been rated in respect of such Premises for the Period of *Twelve Months* preceding under the Acts for the Relief of the destitute Poor in Ireland, as Occupier of such Lands, Tenements, or Hereditaments, at a net annual Value of *Eight Pounds* or
10 upwards, and shall have paid all such Poor Rates as shall have become payable by him in respect of such Premises, at any Time more than *Six Months* next preceding such Meeting; and of the Payment or Nonpayment of such Rate a Receipt, Certificate, or certified List, under the Hand of the Collector of Poor Rate, shall for such Purpose
15 be deemed sufficient Evidence, which Certificate or certified List such Collector is hereby required to furnish to the Person presiding at such Meeting; and if any Controversy shall arise at any such Meeting as to the Qualification or Right of Voting of any Person claiming to vote, or to be qualified, such Controversy shall be determined by the
20 Person or Persons, as the Case may be, presiding at such Meeting, whose Determination shall be final.

Rated for One Year to Poor Rates for Premises of the Value of 8*l.* within the Town to have Votes.

Right of Voting to be decided by Chairman.

VIII. Such Meeting, after having had this Act laid before them, together with a Copy of such Application and such Order as aforesaid, shall proceed to consider and determine whether this Act shall, in
25 whole or in part, be adopted and carried into execution within such Town, or shall appoint a Committee of their own Number, not exceeding *Nine*, to inquire and report to some future Meeting, to be held on such Day as shall be appointed by such Meeting; and such future Meeting shall, upon receiving the Report of such Com-
30 mittee, proceed in all respects in the Manner herein directed for such Meeting.

Power of Meeting to adopt this Act, or to decline to adopt it.

IX. If the Provisions of this Act shall be adopted in whole or in part, all the Expenses incurred in relation to calling the First Meeting, making out Returns and Lists of qualified Occupiers, and otherwise
35 in relation to carrying this Act into execution, shall be defrayed out of the Money assessed and levied under the Authority thereof; but in case the Provisions of this Act shall not be adopted by such Meeting as aforesaid, in whole or in part, then the whole of said Expenses shall be borne by the Persons signing the Application for holding such
40 Meeting.

Expenses attending the calling First Meeting, &c. how to be borne.

X. The Person or Persons presiding at such Meeting shall ascertain the Determination thereof by a Show of Hands, or in such other
[12.] A 3 Manner Chairman to declare the Determination of the Meeting.

Majority
sufficient.

Manner as shall appear to him or them expedient, and if necessary shall appoint Tellers to ascertain and enumerate the Votes of qualified Persons assenting to or dissenting from the Adoption of this Act, in whole or in part, and such Tellers shall report the Result of their Scrutiny to such Person or Persons presiding at such Meeting, who 5 shall declare the same, which Declaration shall be final; and any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if carried by a Majority of Persons qualified and voting as aforesaid.

How Mi-
nutes of
Meeting to
be worded if
Act adopted
in Part only.

XI. If such Resolution shall be to adopt this Act only in part, the 10 Matter or Matters with respect to which this Act is so adopted shall be set forth and declared in the Minutes of such Meeting in the Words introductory to the Enactment in this Act with respect to such Matter, or it shall be set forth and declared in such Minutes that this Act, with the Exception of the Matter or Matters so described, is so adopt- 15 ed; and any Adoption of this Act, though in part only, shall infer the Adoption of the Enactments with respect to Assessments, and shall also infer the Adoption of the Enactments with respect to Appeal hereinafter provided in so far as the Enactments relate to the Matter or Matters adopted, and shall also infer the Adoption of every other 20 general Enactment or Enactments applicable to such Matter or Matters, though not specially set forth and declared in such Minutes to be adopted.

If Act not
adopted, pro-
posal may be
re-consider-
ed after One
Year; if
adopted only
in Part, it
may after
Two Months
be further
adopted.

XII. Where any Town shall have resolved not to adopt the Provi- 25 sions of this Act, the Householders and Occupiers thereof, qualified in each Case respectively as aforesaid, may, after the Expiration of *One Year* from the Date of any preceding Meeting, but not sooner, by such and the like Proceedings, again take this Act into consideration, and adopt the same in whole or in part, or determine not to adopt the same; and when any Town shall have adopted them only in Part, the 30 Householders and Occupiers thereof, qualified in each Case respectively as aforesaid, may, after the Expiration of *Two Months* from the Date of any preceding Meeting, but not sooner, by such and the like Proceedings, again take this Act into consideration, and adopt such Part thereof as may not formerly have been adopted, or determine not 35 to adopt the same.

Certified Co-
py of deter-
mination to
be trans-
mitted to
Lord Lieute-
nant.

XIII. The Person or Persons presiding at such Meeting shall, within *One Week*, transmit to the Lord Lieutenant of Ireland a Copy, certified under his or their Hand, of the Resolution and Determination of such Meeting as aforesaid; and within *One Month* after such 40 Resolution or Determination shall have been so certified, in case such Resolution or Determination shall be in favour of adopting the Ex-
ecution

ecution of this Act in whole or in part; and in case the Lord Lieutenant shall approve of the same, he shall notify his Approbation thereof to the said Person or Persons, and cause Notice of such Approbation to be published in the Dublin Gazette; and from and after a

5 Day to be named in such Notice in that behalf, either the whole of this Act, or the Portion thereof so adopted and approved, shall be applicable to and in force in such Town; and the said Notice shall further state the Number of Commissioners to be elected for carrying this Act into execution in such Town, and the Number and the Boundaries

10 of Wards into which such Town is to be divided, provided that an equal Number of such Commissioners shall be elected by each of the said Wards; provided that in case of any Borough or Town Corporate in Ireland, the Town Council of such Borough shall be the Commissioners for carrying this Act into execution therein, where the Adoption of

15 this Act, in whole or in part, shall have been determined on and approved in manner aforesaid; and in such Case no such Statement as last aforesaid of Division into Wards, or of the Number of Commissioners to be elected, shall be contained in such Notice.

If Lord Lieutenant approve of determination, Notice of approbation to be published in Gazette, and Act put in force accordingly.

Notice to state Number of Wards and Number of Commissioners to be elected.

In Corporate Towns, Town Council to be the Commissioners.

XIV. The Commissioners for the Purpose of executing this Act,

20 to be elected as herein provided, shall be in Number not less than *Nine* nor more than *Twenty-one*, as may be determined as aforesaid; and where the Town shall be divided into Wards as aforesaid, the Number thereof, and the Number of Commissioners to be elected, shall be so settled and adjusted that there shall be not less than *Three* such

25 Commissioners for each such Ward.

Number of Commissioners.

If the Town be divided into Wards.

XV. In any Town where the Act of the Ninth Year of King George the Fourth, Chapter Eighty-two, shall be in force, and by which Application shall be made and Proceedings had in manner aforesaid under this Act, then from and after the First Election of

30 Commissioners under this Act for such Town, the said Act of the Ninth Year of King George the Fourth shall be no longer in Force therein, save and except as to Matters or Things theretofore done, and as to any Debts, Demands, Rights, Liabilities, or Engagements theretofore incurred or accrued under the Provisions thereof; and

35 all Property, (including all Property vested in the said Commissioners under the Provisions of the Act of the Third and Fourth Years of Her present Majesty, Chapter One hundred and eight,) and all Claims, Demands, and Liabilities or Engagements of the Commissioners under the said Act of the Ninth Year of King George the

40 Fourth shall be transferred to and vested in the said Commissioners under this Act: Provided, that in any Case where the said Act of the Ninth Year of King George the Fourth shall be in force in any City or Town, if at a Special Meeting of the Commissioners for carrying

Where 9 G. 4. c. 82. in force in any Town, same to be no longer in force after First Election of Commissioners under this Act.

Cases in which Commissioners under the Act 9 G. 4.

c. 82. may
continue
under the
said Act, and
adopt certain
portions of
this Act.

the said Act into execution, therein called upon *One Calendar Month's* previous Notice (to be published in Manner next after mentioned), *Two-thirds* at least of the whole Body of such Commissioners shall concur in a Resolution for the Adoption of the Portions next herein mentioned of this Act, or any of them, it shall be lawful for 5 the Commissioners for executing the said Act in such City or Town, without further Sanction or Proceeding, to execute and carry into effect therein the Portions of this Act following, or such of them as shall be so adopted by such Resolution, that is to say, the Provisions of this Act with respect to Obstructions and Nuisances, to Places of 10 Public Resort, to Swindling and Gaming, to Bathing, to Precautions during Repairs, to unwholesome Food, to Gunpowder, or to Cellars and Dwellings, as the Case may be; and thereupon the said Commissioners shall give Public Notice of the Adoption of such Resolution, by causing Handbills stating the Purport of such Resolution to be 15 affixed at such Places and in such Manner as is herein-before provided for giving Notice of said preliminary Meeting herein-before mentioned; and at the Expiration of *One Calendar Month* from the Day of the Publication and affixing of such Notification as aforesaid, such Portions of this Act as so adopted in such Resolution pursuant to this 20 Provision as aforesaid shall be in force and may be carried into effect by the said Commissioners in such City or Town.

Where a Local Act in any Town provides for any Purposes of this Act, this Act not to be put in force without previous Consent of Two Thirds of Commissioners under Local Act.

After adoption of this Act, and First Election of Commissioners, Local Act to be no longer in force for the Purposes of this Act.

XVI. Where any Local Act in force in any Town provides for any of the Purposes for which Provision is hereby made, this Act shall not be Adopted or put in force therein, in Manner herein provided, so far 25 as relates to any of the Purposes for which Provision is made under such Local Act, without the Consent in Writing, of *Two-thirds* of the Commissioners or Governing Body, constituted for the Purposes of such Local Act, first had and obtained at a Special Meeting of such Commissioners or Governing Body, called upon *Ten Days* previous Notice at the least (to 30 be Published in the Manner and for the Time herein-before mentioned), but this Act may, without such Consent be Adopted and put in Force for other Purposes for which Provision is not made under such Local Act; but in such Case where such Consent is hereby required, and has been had, then from and after the Adoption of this Act in the whole or 35 in part, and the First Election of Commissioners under this Act for such Town, such Local Act shall be no longer in force in such Town, so far as regards the Provisions of such Act which have reference to the Purposes for which this Act shall have been so adopted, save and except as to Matters and Things theretofore done, and as to any Debts, 40 Demands, Rights, or Liabilities theretofore incurred or accrued under or in relation to such Provisions thereof; and in such Case, if under the Provisions of such Local Act any Tolls within such Town shall have been payable to and vested in such Commissioners or Governing Body, such

such Tolls, and all Rights of receiving and levying the same, and the Remedies for the Recovery thereof, shall, from and after the First Election of Commissioners under this Act, be transferred to and stand vested in the Commissioners under this Act, subject nevertheless
5 to all Debts, Demands, Rights, Liabilities, or Engagements theretofore affecting such Tolls or such Commissioners under such Local Act in respect thereof; and such Tolls shall stand vested in the said Commissioners acting under this Act, upon the Uses and Trusts, and for the Purposes, and subject to the same or like Regulations as contained
10 and provided in such Local Act relating to such Tolls, so far as may be consistent with this Provision for the Transfer of the same as aforesaid; and such Commissioners under this Act shall be likewise empowered to raise, levy, and apply, for the Purposes of this Act, such Rates and Assessments, and of such Amount and for such Purposes, as by
15 this Act is herein-after provided.

XVII. In any Case in which, according to the Provisions of any Local Act in force in any Town or County of a Town in Ireland for the Improvement or Regulation thereof, the Qualification of Persons authorised to vote in the Election of Commissioners for executing
20 such Local Act, or to vote in relation to Matters to be done under the Provisions of such Local Act, is settled or regulated otherwise than as next herein-after provided, such Qualification for voting shall cease and determine, and instead thereof the following Persons shall be qualified to vote under such Local Act; that is to say, every Male
25 Person of full Age who shall have occupied as Tenant or Owner, or shall have been the immediate Lessor rated for such Premises to the Relief of the Poor of any Lands, Tenements, or Hereditaments within such Town, or within the prescribed Boundaries of the same, and shall have been rated in respect of such Premises at a net annual Value
30 of *Eight Pounds* or upwards, for the Period of *Twelve Months* preceding, under the Acts for the Relief of the Destitute Poor in Ireland, and shall have paid all such Poor Rates as aforesaid as shall have become payable by him in respect of such Premises more than *Six Months* next preceding the Time of voting as aforesaid.

Qualification for voting under Local Acts for Improvement of Towns to cease, and an 8*l.* rating to the Relief of the Poor to be substituted as the Qualification for so voting.

XVIII. From and after the *Commencement of this Act* it shall not be lawful for the Lord Lieutenant of Ireland to order or direct any Meeting to be called or convened for the Purpose of carrying the said Act of the Ninth Year of King George the Fourth, Chapter Eighty-two, into execution.

Lord Lieutenant not to direct Meetings for the adoption the 9 G. 4. c. 82.

XIX. In any City or Town Corporate where any Local Act in force provides for Purposes for which Provision is made under this Act, and where the Commissioners constituted under the said Local Act decline

Where Commissioners under Local Act decline to consent

to the adoption of this Act, same may be adopted by Consent of Two Thirds of Town Council, and Powers of Assessment under Local Act transferred to Commissioners under this Act.

to consent to the Adoption of this Act in the Manner herein-before provided, then and in that Case this Act may be adopted or put in force in whole or in part in said City or Town Corporate, by Consent obtained in Writing under the Hands of *Two Thirds* of the Town Council of said City or Town corporate; and in case any or all the Purposes for which the Assessment, or any Part thereof, under such Local Act is raised and levied are adopted as aforesaid under the Provisions of this Act, then the Powers of Assessment for such Purposes under such Local Act, and in the Manner specified by such Local Act, so far as such Powers are necessary for carrying out such Purposes and no further, shall be transferred to the said Commissioners under this Act, in addition to the Powers of Assessment herein-after provided under this Act: Provided always, that in case there exists any Debt due of the Commissioners of said Local Act, borrowed under the Provisions thereof, and payable out of the Dues and Duties leviable under said Act, such Debt, with the Interest accruing and payable thereon, shall be transferred to the Commissioners under this Act, and be considered as Money borrowed by them under the Provisions of this Act, and repayable as herein-after provided in respect to all Monies to be borrowed by the Commissioners appointed under this Act.

And with respect to the Election and Rotation of Commissioners under this Act, be it enacted as follows:

First Election of Electors of Commissioners under Act.

XX. As soon as conveniently may be after the Receipt of the Lord Lieutenant's Approval of the Adoption of this Act, in the whole or in part, in and for any Town, the Chief Magistrate, Mayor, Chairman of Town Commissioners, or Justices as aforesaid shall convene a Meeting of the rated Occupiers, qualified as next herein-after mentioned, of such City or Town, or (if the same shall be divided into Wards) of such respective Wards, for the First Election of Commissioners for the Purpose of executing this Act, at some convenient Place in such City or Town, or in their respective Wards, as the Case may be, to be specified in the Notice to be given of such Meeting, and, in such Places as shall be divided into Wards as aforesaid, the Ward Meetings shall, at the said First Election of Commissioners under this Act, be presided over by a Justice of the Peace resident within such Ward (if any), and in default of such, by One of the highest Ratepayers within such Ward, to be nominated by the Mayor, Chairman of Town Commissioners, Chief Magistrate, or Justices aforesaid.

Qualification of Electors at elections of Commissioners.

XXI. At such First and every other Meeting for the Election of Commissioners in said Town as herein-after prescribed, such Persons as next herein-after mentioned shall be admitted and entitled to vote, and

and no other Person whatsoever; that is to say, every Male Person of full Age who shall have occupied as Tenant or Owner, or shall have been the immediate Lessor (rated for such Premises to the Relief of the Poor) of any Lands, Tenements, or Hereditaments within such
 5 Town, or within such Boundaries of the same respectively as aforesaid, and shall have been rated in respect of such Premises for the Period of *Twelve* Months preceding, under the Acts for the Relief of the Destitute Poor in Ireland, and shall have paid all such Poor Rates as aforesaid as shall have become payable by him in respect of such
 10 Premises, except such as shall have become payable within *Six* Months next preceding such Election; and of the Payment or Non-payment of such Rate, a Receipt, Certificate, or certified List, under the Hand of the Collector of Poor Rate, shall for such Purpose be deemed sufficient Evidence, and which Certificate or certified List the
 15 respective Collector of Poor Rates is hereby required to furnish to the Person or Persons presiding at such Election.

XXII. The Day upon which *One Third* of the Commissioners elected under this Act shall annually go out of Office, as herein-after provided, shall be the *Fifteenth Day of October* in each Year, or the
 20 next lawful Day thereto, and on the same Day annually the Places of Commissioners going out of Office shall be supplied by an equal Number of new Commissioners, to be chosen from among the Householders or Occupiers of the Town, qualified to be Commissioners, as herein-after prescribed; and where the Town is divided into Wards, the
 25 Place of each Commissioner going out of Office shall in all cases under this Act be filled up by the Ward which returned him: Provided always, that if such First Election of Commissioners under this Act shall take place before the *Fifteenth Day of October* in the Year of such Election, the Commissioners then first elected shall all continue
 30 in Office until the *Fifteenth Day of October* in the Year next ensuing that in which such Election shall have been held, or the next lawful Day afterwards.

XXIII. Save as herein-before in that Behalf provided, so much of "The Commissioners Clauses Act, 1847," as relates to the Election and
 35 Rotation of the Commissioners, save so much thereof as relates to the Scale of Votes of Owners and Occupiers, shall be incorporated with and read as Part of this Act; and that wherever in the Portions of said Act so incorporated, or in any other Portions of said Act, or of "The
 40 " Towns Improvement Clauses Act, 1847," herein-after incorporated with this Act, the Expression "Special Act" occurs, same shall be construed, but so far only as relates to Towns which shall adopt the Provisions of this Act, to mean this Act, and shall be read as if, instead of such Expression, there were inserted in such Provisions the Words
 [12.] B 2 "The

Day for Election of Commissioners.

Commissioners Clauses Act, as to Election and Rotation, incorporated herewith.

"The Towns Improvement (Ireland) Act, 1854," as applied to any particular Town adopting the Provisions of this Act and of the Acts incorporated herewith.

And with respect to the Qualification of Commissioners, be it enacted as follows :

5

Qualification
of Commis-
sioners.

XXIV. Any Householder or Occupier of the Town rated to the Relief of the Poor in respect of Premises therein at the net annual Value of *Twelve Pounds* or upwards, shall be eligible to be elected a Commissioner for the Purposes of this Act, and may be proposed at such Meeting by any Householder or Occupier qualified to vote under the Provision herein-before contained, and may be seconded by any other Householder or Occupier qualified to vote as aforesaid. 10

Incorporation
Clause.

XXV. So much of "The Commissioners Clauses Act, 1847," as relates to the Qualification of the Commissioners, shall be incorporated with and read as Part of this Act. 15

And with respect to the Meetings and other Proceedings of the Commissioners, and their Liabilities, be it enacted as follows :

First Meet-
ing of Com-
missioners.

XXVI. All the Commissioners so returned as aforesaid shall, at Twelve of the Clock at Noon on the First Monday after such Election, hold their First General Meeting in the Town Hall or other convenient Place within such Town, with Power to adjourn to such other Place as they may think fit ; and Meetings of the Commissioners shall be held in such Places as they shall appoint within the Town, upon the Second Monday of the Months of February, May, August, and November in each Year, at Twelve of the Clock at Noon ; and no 20

Statutory
Meetings.

Rules or Regulations shall be adopted or carried into execution by any special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually. 25

Special
Meetings not
to annul
Rules made
at Statutory
Meetings.

Incorporation
Clause.
Meetings of
Commis-
sioners.

XXVII. So much of "The Commissioners Clauses Act, 1847," as relates to the Meetings and other Proceedings of the Commissioners, and their Liabilities, shall be incorporated with and read as Part of this Act. 30

And with respect to the Chairman of the Commissioners be it enacted :

35

Chairman to
be a Justice
of the Peace
for the Pur-
poses of the
Act.

XXVIII. That in all Cases arising under this Act and cognizable by One or more Justices of the Peace, the said Chairman for the Time being (not being an Ecclesiastic of any Religious Denomination,) shall, during

during his Term of Office,* have the Jurisdiction and Authority of a Justice of the Peace within the Boundaries of the Town as specified for the Purposes of this Act, and for such Purposes only.

And with respect to the Officers to be appointed by the Commissioners, be it enacted as follows :

XXIX. So much of "The Towns Improvement Clauses Act, 1847," as relates to the Officers to be appointed by the Commissioners, shall be incorporated with and form Part of this Act: Provided always, that the Approval requisite to the Appointment of such Officers shall be the Approval of the Lord Lieutenant of Ireland for the Time being.

Officers: proviso as to Approval.

And with respect to Plans of Towns, and of the Works to be executed under the Powers of this Act, be it enacted as follows :

XXX. So much of "The Towns Improvement Clauses Act, 1847," as relates to Plans of the District, and of the Works to be executed under any Act, shall be incorporated with and form Part of this Act.

Surveys and Plans.

And with respect to the Purchase of Lands, be it enacted as follows :

XXXI. The Commissioners, with the Consent and Approval of the Lord Lieutenant, may purchase or take upon Lease, sell, or exchange any Lands or Premises for the Purposes of this Act, with or without the Consent of the Owner thereof; and in the event of the Refusal or Incompetency to consent to such Sale, Exchange, or Letting of such Owner, then so much of "the Towns Improvement Clauses Act, 1847," and of the Act incorporated therewith as relates to taking Lands, and the Compensation to be made by the Commissioners for Damage done by them in execution of the Powers of the Act shall extend to such Case, and shall be incorporated with and form Part of this Act.

Taking of Lands.

And with respect to making and maintaining the Public Sewers, be it enacted as follows :

XXXII. The Commissioners may, if they shall think fit, purchase the Rights, Powers, and Authorities vested in any Person for making Sewers, or contract for the Use of, or purchase any Sewers within the Town, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Sewers belong may sell and dispose of the same to or otherwise contract with the Commissioners; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and

Power to purchase, &c. certain Sewers.

Trusts to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Commissioners purchasing the same.

Incorporation Clause, Appeal.

Persons aggrieved by making, &c. Sewers, may Appeal.

XXXIII. So much of "The Towns Improvement Clauses Act, 1847," as relates to the making and maintaining the public Sewers, shall be incorporated with and form Part of this Act: Provided always, that as regards the making, altering, and maintaining Sewers and Drains it shall be lawful for any Person whose Property may be taken or affected, or who shall think himself thereby aggrieved, to appeal thereon to the Court of the Assistant Barrister in manner herein-after mentioned. 5 10

And with respect to the Drainage of Houses, be it enacted as follows:

Drainage of Houses.

Incorporation Clause appeal.

XXXIV. So much of "The Towns Improvement Clauses Act, 1847," as relates to the Drainage of Houses, shall be incorporated with and form Part of this Act: Provided, that where the Commissioners shall signify their Disapproval of the Level at which it is proposed to lay the Foundations of any new House as provided therein, it shall be lawful for any Person who shall think himself aggrieved thereby to appeal thereon to the Court of the Assistant Barrister in manner herein-after provided. 15 20

And with respect to paving and maintaining the Streets, be it enacted as follows:

Paving Incorporation Clause.

XXXV. So much of "The Towns Improvement Clauses Act, 1847," as relates to paving and maintaining the Streets shall be incorporated with and form Part of this Act. 25

And with respect to laying out new Streets, be it enacted as follows:

New Streets Incorporation Clause Appeal.

Parties aggrieved may appeal.

XXXVI. So much of "The Towns Improvement Clauses Act, 1847," as relates to laying out new Streets be incorporated with and form Part of this Act: Provided always, that as regards the making and laying out any new Streets, and fixing the Levels thereof, it shall be lawful for any Person whose Property may be taken or affected, and who shall think himself thereby aggrieved, to appeal thereon to the Assistant Barrister in manner herein-after mentioned. 30 35

And with respect to naming the Streets and numbering the Houses, and also with respect to improving the Line of the Streets, and removing Obstructions, be it enacted as follows:

XXXVII. So

XXXVII. So much of "The Towns Improvement Clauses Act, 1847," as relates to naming the Streets and numbering the Houses, and also so much thereof as relates to improving the Line of the Streets and removing Obstructions, shall be incorporated with and form Part
 5 of this Act: Provided always, that as regards the improving the Line of any Street and removing Obstructions it shall be lawful for any Person whose Property may be taken or affected, and who shall think himself thereby aggrieved, to appeal thereon to the Assistant Barrister in manner herein-after mentioned.

Naming Streets, Numbering Houses, Obstructions.

Parties aggrieved may appeal to the Assistant Barrister.

10 And with respect to ruinous or dangerous Buildings, and also with respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses, be it enacted as follows:

XXXVIII. So much of "The Towns Improvement Clauses Act, 1847," as relates to ruinous and dangerous Buildings, and also so much
 15 thereof as relates to Precautions during the Construction and Repair of the Sewers, Streets, and Houses, shall be incorporated with and form Part of this Act.

Ruinous Buildings, Precautions, &c.

And with respect to Objections to Works to be constructed by or subject to the Approval of the Commissioners, be it enacted as
 20 follows:

XXXIX. So much of "The Towns Improvement Clauses Act, 1847," as relates to Objections to the Works to be constructed by or subject to the Approval of the Commissioners, except so much thereof as relates to the Appeal thereby provided, shall be incorporated with
 25 and form Part of this Act.

Objections to Works.

XL. Any Person liable to pay or to contribute towards the Expense of any of the Works herein-before mentioned, or otherwise aggrieved by any Order of the Commissioners relating thereto, may, at any Time within *Seven Days* next after the making of any such Order, give
 30 Notice in Writing to the Commissioners that he intends to appeal against such Order to the Assistant Barrister at the next Quarter Sessions for the Division or Place, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within *Eight Days* next after giving such Notice the Party give
 35 Security by Recognizance before a Justice of the Peace, with Two sufficient Sureties, to the Satisfaction of such Justice, to abide the Order of the Assistant Barrister, and pay such Costs as may be awarded against him thereupon, the Work so appealed against shall not be begun until after the Judgment of the Assistant Barrister upon such
 40 Appeal; and a Copy of such Notice, and Statement of the Grounds of such Appeal as aforesaid, shall be lodged by the Appellant with the

Persons aggrieved by Orders of the Commissioners may appeal to the Assistant Barrister.

Clerk of the Peace on the Day before the Commencement of the Sessions at which the Appeal is to be heard; and the Assistant Barrister shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying such Order, Proceeding, or Matter, and shall award such Costs to either of 5 the Parties, as the said Assistant Barrister in his discretion thinks fit; provided, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Recognizance entered into as aforesaid, nor on the hearing of such Appeal shall he go into Evidence of any other Grounds of Appeal than those 10 set forth in such Statement as aforesaid; provided also, that if there be not an Interval of *Fifteen* Days between the making of such Order and the then next Sessions, then such Appeal may be made and such Notice given for the next following Sessions for the Division or Place at which the Appeal can be heard. 15

And with respect to cleansing the Streets, and the Prevention of Nuisances, and the Prevention of Smoke, be it enacted as follows :

Cleansing
Streets,
Prevention of
Nuisances,
and of
Smoke.

XLI. So much of "The Towns Improvement Clauses Act, 1847," as relates to cleansing the Streets, and the Prevention of Nuisances, and the Prevention of Smoke, shall be incorporated with and form 20 Part of this Act.

And with respect to the Construction of Houses for Prevention of Fire, be it enacted as follows :

Party Walls
to be carried
up through
the Roof.

XLII. The Party Walls of all Buildings erected after the Adoption of this Act by any Town shall be carried through and above the Roof, 25 to form a Parapet of not less than *Twelve* Inches in Height, measured at Right Angles with the Slope of the Roof, above the Covering of the Roof of the highest Building to which such Party Walls belong; and every Person who shall erect any Building contrary to the Provision herein contained, and who shall not alter the same within *One Month* 30 after Notice given to him for that Purpose by the Commissioners, shall be liable to a Penalty not exceeding *Five Shillings* for every Day that such Building shall so continue.

And with respect to supplying Buildings with fresh Air, be it enacted as follows . 35

Ventilation.

XLIII. So much of "The Towns Improvement Clauses Act, 1847," as relates to supplying Buildings with fresh Air shall be incorporated with and form Part of this Act; provided, that the Appeal from the Determination of the Commissioners in this respect shall be such Appeal to the Court of the Assistant Barrister as is herein-before 40 provided.

And

And with respect to Lodging Houses, be it enacted as follows :

- XLIV. It shall not be lawful to keep or use as a Lodging House within the Town, any House, not being a Licensed Victualling House, unless such House shall have been registered as a Lodging House in
- 5 a Book to be kept by the Commissioners for that Purpose ; and every Person letting Lodgings or giving Accommodation for the Night or Day to Mendicant or Vagrant Persons within the Town, shall, if required by any Order of the Commissioners specially made and served upon such Person, be bound to report each and every Day at the
- 10 Constabulary or Police Office, or to the Chief Constable of Police or Constable of the District, every Person who has resorted to such House during the preceding Night or Day ; and for that Purpose Schedules shall be furnished by the Commissioners to the Persons so ordered to report, which Schedules they shall be bound to fill up with
- 15 the Information required, and transmit to the said Office, or to the Chief Constable of Police, or Constable of the District as aforesaid ; and if any such Person shall fail to comply with any such Order he shall, upon Conviction before the Magistrate, for each Offence be liable to a Penalty not exceeding *Five Shillings*.
- 20 XLV. Save as above provided, so much of " The Towns Improvement Act, 1847," as relates to Lodging Houses shall be incorporated with and form Part of this Act.

For the regulation of Lodging Houses.

Keepers of Lodging Houses, for Mendicants to report Persons resorting thereto.

Incorporation Clause.

And with respect to Slaughter-houses, be it enacted as follows :

- XLVI. So much of " The Towns Improvement Clauses Act, 1847," as relates to Slaughter-houses shall be incorporated with and form
- 25 Part of this Act: Provided always, that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities of any Persons incorporated or authorized by any Local Act of Parliament passed before the passing of this Act, for the Purpose of making and maintaining Slaughter-houses for the Accommodation of
- 30 any City, Town, or Place.

Slaughter-houses.

Saving rights of Persons incorporated by Act of Parliament for maintaining Slaughter-houses.

- XLVII. The Business of a Blood-boiler, Bone-boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive
- 35 Business, Trade, or Manufacture, shall not be newly established in any Building or Place within the Town, without the Consent of the Commissioners ; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of *Twenty Pounds*, and a further Penalty of *Forty Shillings* for each Day during which the
- 40 Offence is continued ; and the Commissioners may from Time to Time make such Byelaws with respect to any such Businesses so

Offensive Trades newly established to be subject to the regulation of Commissioners.

newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof.

And with respect to the lighting of Towns, be it enacted as follows :

Commissioners may contract for lighting Streets.

Price to be paid for Gas to be ascertained in case of Dispute.

XLVIII. The Commissioners may contract for any Period not exceeding *Three Years* at any One Time with the Owners of any Gas-works or with any other Person, for the Supply of such Gas or Oil, or other Means of lighting, and may provide such Lamps, Lamp Posts, and other Works as the Commissioners think necessary for lighting the Streets of the Town; and if the Commissioners and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Town, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Price to be paid for such Supply, then such Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Settlement of Disputed Compensation by Arbitration, shall be incorporated with this Act. 5 10 15

And with respect to the Supply of Water, be it enacted as follows :

Incorporation Clause.

Commissioners may provide sufficient Supplies of Water, and may erect Waterworks, &c.

In case of Waterworks constructed by Commissioners, the Water may be kept constantly under Pressure.

Commissioners not to construct Waterworks, &c. if any Waterworks

XLIX. So much of "The Towns Improvement Clauses Act, 1847," as relates to the Supply of Water be incorporated with and form Part of this Act, and the Commissioners may provide the Town with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes or any of them the Commissioners may from Time to Time contract with any Person whomsoever, or with any Company, or purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper, including the opening of Streets from Time to Time, for the Purpose of laying down, altering, or repairing Water Pipes therein; and the Commissioners may provide and keep a Supply of pure and wholesome Water, and laid on at such Pressure as will carry the same to the Top Story of the highest Dwelling House within the Town: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits, in respect of which any Waterworks Company shall have been established, the Commissioners shall give Notice in Writing to every such Company, stating the Purposes for, and the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any Waterworks within such Limits so long as any such Company shall lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners; and in case any Difference 20 25 30 35 40

Difference shall arise as to whether the Water which any such Company is willing to supply is proper and sufficient for the Purposes for which it is required, or whether the Purposes for which it is required are reasonable, the same shall be settled on an Appeal in manner
 5 aforesaid (but without any Recognizance) by either Party to the Assistant Barrister, whose Decision shall be final.

Company within the Town be able and willing to supply Water upon Terms.

L. Where the Commissioners are able and willing to supply the Houses or Tenements within the Town with Water for domestic and ordinary Purposes, the Owners of such Houses and Tenements shall
 10 be entitled to obtain such Supply by connecting a Service Pipe with the Main Pipes to be laid down by the Commissioners, the Expense of such Service Pipes and of connecting the same with the Main Pipes being defrayed by such Owners; and where the Houses and Tenements generally in any Street or Place within the Town shall be
 15 supplied with Water by means of such Service Pipes, it shall be competent to the Commissioners to require the Owner of any Tenement in such Street or Place not so supplied to take a Supply of Water by connecting a Service Pipe with the Main Pipe as aforesaid; and in the event of Refusal or Delay on the Part of such Owner to comply with
 20 such Requisition, it shall be lawful for the Commissioners to enter upon such Houses or Premises, and proceed to lay down such Service Pipes themselves, and to recover the Expense thereof from such Owner in the same Manner as Damages; and no Person within the Town shall be entitled, without special Agreement with the
 25 Commissioners, to use the Water supplied through the Pipes of the Commissioners, except for domestic and ordinary Purposes; but where there is a Supply of Water more than is required for such domestic and ordinary Purposes within the Town, it shall be lawful for the Commissioners to Contract with any Person or Persons within
 30 the Town to supply any Public Baths and Washhouses, Works, Manufactories, or other Premises within the Town with Water, at such Rate and upon such Terms and Conditions as may be agreed on; or in the event of Disagreement, either as to the Ability of the Commissioners to give the Supply, or as to the Rate, Terms, or Con-
 35 ditions on or in respect of which the Supply is to be given, the same shall be fixed on an Appeal in manner aforesaid (but without any Recognizance) by either of the Parties to the Assistant Barrister, whose Decision shall be final; and it shall be lawful for the Commis-
 40 sioners to make Byelaws regulating all or any Matters and Things whatsoever connected with the Water to be supplied within the Town through their Pipes.

Service Pipes to be laid by Owners.

Water to be used only for domestic and ordinary Purposes, unless by Agreement with the Commissioners.

Commissioners may make Byelaws in reference to Water.

LI. Whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste-pipe, or Waterworks belonging to or under
 [12.] C 2 the

Penalty for injuring Waterworks,

diverting
Streams,
or wasting
Water.

Penalties on
Persons for
causing
Water in
Reservoirs
to be fouled ;

and on Pro-
prietors of
Gasworks,
&c.

the Management or Control of the Commissioners, or shall unlawfully divert or take Water from any Waterworks belonging to or under the Control of the Commissioners, or from any Waters by which such Waterworks are supplied, or shall wilfully or negligently waste any Water with which he is supplied by the Commissioners, shall for every 5 such Offence forfeit a Sum not exceeding *Two Pounds*, and a further Penalty of *Ten Shillings* for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the Commissioners ; and whosoever shall bathe in any Stream, Reservoir, or other Waterworks belonging to or under the Control of 10 the Commissioners, or shall wash, throw, or cause to enter therein any Animal, Rubbish, or Thing of any kind, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging 15 to the Commissioners or under their Management or Control, shall be fouled, shall for every such Offence forfeit a Sum not exceeding *Two Pounds*, and a further Sum of *Twenty Shillings* for each Day whilst the Offence is continued, after written Notice in that Behalf, which Penalties shall be paid to the Commissioners ; and whosoever, being 20 Proprietor of any Gasworks, or engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, or Waterworks belonging to or under the Management or Control of the Commissioners, or into any Drain or Pipe communicating therewith, any Washing or other Substance pro- 25 duced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture or Supply of Gas, whereby the Water in any such Stream, Reservoir, or Waterworks is fouled, shall forfeit to the Commissioners for every such Offence the Sum of *One Hundred Pounds*, and, after the Expiration of *Twenty-four* Hours 30 Notice in Writing from them in this Behalf, a further Sum of *Ten Pounds* for every Day during which the Offence is continued ; and if any Water belonging to or under the Management or Control of the Commissioners be fouled in any Manner by the Gas of any such Proprietor or Person, he shall forfeit to the Commissioners for every 35 such Offence a Sum not exceeding *Ten Pounds*, and a further Sum not exceeding *Five Pounds* for every Day whilst the Offence is continued after the expiration of *Twenty-four* Hours Notice in Writing from the Commissioners in this Behalf ; and for the Purpose of ascer- 40 taining whether such Water is fouled by the Gas of any such Proprietor or Person, the Commissioners may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape ; provided that before beginning so to do *Twenty-four* Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they 45

may

may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from the Works examined, the Expenses of the Examination shall be paid and borne by the Person
5 to whom such Works belong, or under whose Management or Control they may be, and be recoverable from him in the same Manner as any Debt may be recovered by the Law of Ireland; but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Com-
10 missioners out of the general Assessments levied under this Act, and be recoverable from them upon summary Proceeding by Civil Bill or otherwise, as any Debt may be recovered by the Law of Ireland.

And with respect to Things to be done by the Commissioners by special Order only, and with respect to Clocks, and with respect to
15 Entry by the Commissioners or their Officers in execution of this Act, and with respect to ensuring the Execution of the Works by this Act required to be done by the Owners or Occupiers of Houses or Lands, be it enacted as follows :

LII. So much of "The Towns Improvement Clauses Act, 1847,"
20 as relates to Things to be done by the Commissioners by special Order only, and so much thereof as relates to Clocks, and so much thereof as relates to Entry by the Commissioners or their Officers in execution of the Act, and so much thereof as relates to ensuring the Execution of Works required to be done by the Owners or Occupiers of Houses
25 or Lands, shall be incorporated with and from Part of this Act.

Special
Order ;
Clocks ;
entry of
Commis-
sioners ;
Execution of
Works.

And with respect to Markets, be it enacted as follows :

LIII. It shall be lawful for the said Commissioners to build and
provide One or more Market Place or Market Places, in addition to
any they may now have, for the Sale of Cattle, Animals, and Pro-
30 visions, and all other marketable Commodities, within the Limits of the Town, or as near thereto as same can be procured, together with all Stalls, Standings, and other Conveniences and suitable Approaches for all Persons resorting thereto, as the said Commissioners shall think fit ;
but before any such Market Place shall be opened for public Use,
35 the said Commissioners shall give *Ten* Days previous Notice of the Time at which the same shall be opened, and every such Notice shall contain a List of the Commodities for which such Market Places shall be respectively provided, distinguishing those to be sold by Weight
from those to be sold by Measure, and of the Charges which the
40 Commissioners or their Collector shall be entitled to demand, and shall be given by the Publication thereof in some Newspaper published and circulated within such Town, and should none be published in any such Town, then by Publication thereof in the Newspaper published

Commis-
sioners
may provide
additional
Market
Places.

Notice to be
given of the
opening of
new Market
Places, and
the Charges,
&c.

nearest to such Town, and by printed Handbills or Advertisements posted and circulated throughout such Borough, and also by the erection of a Toll Board specifying the Particulars of the same in some conspicuous Place in such Market.

And with respect to the weighing of Articles, and the Prevention of Frauds, be it enacted as follows:

Weighing
Machines to
be erected.

Penalty on
Driver re-
fusing to
weigh.

Penalty on
Fraudulent
weighing.

LIV. It shall be lawful for the Commissioners to erect, so far as not already done, and maintain Scales or other Weighing Machines at any convenient Places within the Town, or to grant Powers to others to that effect, and to appoint proper Persons to attend the same, with 10
suitable Allowances for their Trouble; and if any Driver or Person having the Charge of any Cart or Carriage shall not, upon being so required, take the same to any such public Weighing Machine, or shall refuse to assist in the weighing of the same, such Driver or other Person shall, upon Conviction before a Justice, for each Offence be 15
liable to a Penalty not exceeding *Forty Shillings*; and if the Keeper of any Weighing Machine used within the Town, or his Servant or Servants, shall wilfully on Application refuse duly to weigh or re-weigh any Cart or Carriage, with or without Loading, or shall de- 20
signedly do or omit to do anything with intent that the true Weight or Measurement of any Article weighed thereat shall not be ascer- 20
tained, or if the Driver or Person having the Charge of any Cart or Carriage shall knowingly have any Article, Matter, or Thing in or about such Cart or Carriage, other than the proper Load therein, or shall alter the Tare or Weight, or the Ticket denoting the Weight of 25
any Cart or Carriage, or the Loading thereof, or shall make or use any false or fraudulent Ticket respecting the same, or if the Driver or Person in charge of any Cart or Carriage, or the Keeper of any 30
Machine as aforesaid, or his Servants, shall make or use any fraudulent Contrivance touching the Weight of any Cart or Carriage, or of the 30
Load therein, or assist in or connive at any Fraud concerning the Weight of any Cart or Carriage or of the Load therein, or if any other Person shall aid or assist in the committing of any Fraud respect- 35
ing the Weight of any Cart or Carriage, or of the Load therein, weighed or represented to be weighed at any such Machine as aforesaid, every 35
Person so offending shall, upon Conviction before a Justice, for every Offence be liable to a Penalty not exceeding *Two Pounds*, or to be 40
Imprisoned for any Period not exceeding *Thirty Days*.

Retailers of
Coals to keep
Scales and
Weights for
weighing at
the Time of
delivery.

LV. For the Purpose of ascertaining the Weight of Coals sold in Quantities of less than Half a Ton within any Yard, Store, or Place 40
where they may be kept, or from any Cart or Carriage on which they may be carried by Dealers, such Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Store, 40
or

or Place, and also to have such Scales and Weights attached to the Cart or Carriage used by them for the Sale of such Coals; and such Dealers shall be obliged to weigh the same, upon being required to do so either by the Person purchasing the same or by any Constable or Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall, upon Conviction before a Justice, be liable to a Penalty not exceeding *Forty Shillings*, and *Five Pounds* for any subsequent Offence.

LVI. In every Town under this Act where there is or may be a Butter Market held, the Commissioners shall appoint a Butter Weigh-Master and Taster, and if need be a Deputy Butter Weigh-Master and Taster, and shall provide or licence a sufficient and proper Public Place for weighing and selling Butter only, and therein shall cause to be kept proper Weights and Scales; and all Butter offered or exposed for Sale in Casks, Firkins, or Kegs in any Town shall be weighed at the said Public Weigh-house, and the lawful Weight and Tare shall be marked on every Cask, Firkin, or Keg by the said Weigh-Master or his Deputy; and the Charge for weighing and marking each Cask, Firkin, or Keg shall not exceed the Sum of *Threepence*; and it shall not be lawful for any Merchant or Dealer to purchase Butter in any Cask, Firkin, or Keg except by Weight and with the lawful Weight and Tare marked by the Butter Weigh-Master or Butter-Taster, or his Deputy; and if any Butter in any Cask, Firkin, or Keg shall be purchased at any Distance not exceeding *Four Miles* from any public Butter Weigh-house it shall be brought to such Weigh-house and there weighed and marked as aforesaid; and any Merchant or Dealer who shall purchase Butter in any Cask, Firkin, or Keg at any Place within the said Distance from a public Butter Weigh-house, and shall not cause the same to be brought and weighed, and marked as aforesaid, shall for every such Offence forfeit a Penalty of *Ten Shillings*.

Appoint-
ment of But-
ter Weigher
and Taster.

Penalty for
Sale of But-
ter contrary
to Regula-
tions.

Sales of But-
ter within
Four Miles
of the Town.

LVII. No Gunpowder shall be sold within the Town by Candle or other artificial Light, under a Penalty not exceeding *One Pound* for each Offence; and no Person shall keep at any Time more than *Ten Pounds Weight* of Gunpowder, except by special Permission of the Commissioners, signed by the Chairman and Two of the said Commissioners, and under such Regulations for its safe Custody as they may approve and determine, under a Penalty for the First Offence of any Sum not exceeding *One Pound*, for the Second Offence not exceeding *Three Pounds*, and for the Third or any subsequent Offence not exceeding *Five Pounds*, besides Forfeiture of all the Gunpowder which shall be found exceeding the aforesaid Weight; and the aforesaid Quantity of Gunpowder allowed to be kept as aforesaid shall be deposited in a Place separate from all other Goods and Commodities,

Regulations
as to Gun-
powder.

and shall be secured by Lock and Key, under a Penalty not exceeding *One Pound* to be paid for each Offence by the Occupier of the Premises in which such Quantity not so kept and secured as aforesaid shall be found: Provided always that nothing herein contained shall apply to any Quantity of Gunpowder provided for Military or Constabulary Purposes. 5

And with respect to the Byelaws to be made by virtue of this Act, be it enacted as follows:

Byelaws to
be confirmed.

Notice of
confirmation
to be given.

LVIII. So much of "The Towns Improvement Clauses Act, 1847," and of "The Commissioners Clauses Act, 1847," as relates 10 to the Byelaws to be made by virtue of said Acts, shall, save as next herein provided, be incorporated with and from Part of this Act: Provided that no Byelaw made by the Commissioners under the Authority of this Act shall come into operation until the same be confirmed by the Lord Lieutenant, who is hereby empowered to 15 inquire into any Byelaws tendered for that Purpose, and to allow or disallow of the same as he may think meet; provided also, that no such Byelaws be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Town (if any), or otherwise in some 20 Newspaper circulating in the County in which the Town is situated, *One Month* at least before the making of such Application; and any Person desiring to Object to any such Byelaw, on giving to the Commissioners Notice of the nature of his Objection Ten Days before the making of the Application for the Allowance thereof, may trans- 25 mit to the Lord Lieutenant a Memorial containing the Grounds of such Objection; and if such Byelaws should be thereupon confirmed, in the whole or in part, the Order for such Confirmation, in the whole or in part, shall be signed under the Hand of the Chief or Under Secretary of the Lord Lieutenant, of which Order a Copy shall be 30 published in One or more such Newspapers as aforesaid.

And with respect to the Contracts to be entered into, and the Deeds to be executed by the Commissioners, be it enacted as follows:

Incorporation Clause;
Contracts.

LIX. So much of "The Commissioners Clauses Act, 1847," as relates to the Contracts to be entered into, and the Deeds to be 35 executed by the Commissioners shall be incorporated with and form Part of this Act.

And with respect to the Appointment and Accountability of the Officers of the Commissioners, other than those herein-before provided for, be it enacted as follows: 40

LX. So

LX. So much of "The Commissioners Clauses Act, 1847," as relates to the Appointment and Accountability of the Officers of the Commissioners, save as herein next provided, shall be incorporated with and form Part of this Act: Provided that the Commissioners shall in all cases appoint some Bank or Banking Company to act as their Treasurer, and that it shall not be necessary to require from such Bank or Banking Company any Security for the due Execution of such Office as required by said Act; provided also, that the Drafts to be drawn on said Bank on account of said Commissioners shall be drawn at a Meeting of the Commissioners, and there signed by the Chairman of the Meeting and by Two other Commissioners, and no Drafts on the said Account shall be drawn for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the said Treasurer by the Clerk to the Commissioners, who shall countersign all such Drafts,

Clerk, Treasurer, Collector, &c.

How Drafts to be drawn.

And with respect to General Assessments under this Act, be it enacted as follows:

LXI. Once in each Year the Commissioners shall assess all Occupiers of Premises within the Town rated in respect of such Premises under the Acts for the Relief of the Destitute Poor in the Sums necessary to be levied for the Purposes of this Act, other than by way of Private or District Assessments, and shall fix a Day, not being less than *One Month* from the Date of laying on such Assessment, on which the same shall be payable; and the Rate of Assessment, and Day so fixed by the Commissioners, shall be published by Handbills posted in the Town, and by Advertisement in any Newspaper or Newspapers published therein (if any), or otherwise in some Newspaper or Newspapers published nearest to such City or Town: Provided that such Assessment other than Private and District Assessments shall not in any Year exceed the Rate of *One Shilling and Sixpence* in the Pound where the Enactments of this Act with respect to Water have been adopted, or the Rate of *One Shilling* in the Pound where such Enactments with respect to Water have not been adopted.

Commissioners to make Assessment for the Purposes of this Act.

LXII. The Commissioners shall annually cause to be made up a Book of Assessment, and signed by the Chairman and Two others of the Commissioners, showing the net annual Value of the whole Premises in the Town under the Poor Law Valuation liable to be assessed under this Act, and according to which the Assessments under this Act are intended to be levied; and such Book of Assessment shall be open to Inspection by all Ratepayers, in the Hands of the Clerk;

Assessment Book to be made up, and Objections how to be entered and disposed of by the Commissioners.

Copy of Assessment Book to be given to Collector.

and the Commissioners shall have Power to rectify or alter any Mistake or Error, upon the ground of any improper Variance from the last Assessment for Poor Rates, or on the ground of any Change of Occupation of Premises since such last Assessment for Poor Rates; and in each Year a Copy of the said Book of Assessment, as finally 5 adjusted by the Commissioners, signed by the Chairman and Two Commissioners, and countersigned by the Clerk, shall be delivered over to the Collector, as the Rule for levying and collecting the annual Assessment under this Act.

Assessment may be levied by Distress and Sale, or upon a Complaint to be made to a Justice, who shall summon the Party.

LXIII. If any Person so rated and assessed as aforesaid shall refuse 10 or neglect to pay the Assessment charged upon him for the Space of *Ten Days* next after the same shall be due and demanded by the Collector, it shall be lawful for the Collector to levy the same by Distress and Sale of any Goods and Chattels of such Person which may be found either on the Premises chargeable, or on any Premises 15 within the Town rented or possessed by the Person so assessed, rendering to the Owner of such Goods and Chattels the Overplus (if any) after deducting the Expenses of distraining, not exceeding *Twelve-pence* in the Pound on the Sum for which such Distress may have been made; or in case the Collector shall not think it expedient to proceed by Distress, then it shall be lawful for him to leave at the Dwelling 20 House of the Party chargeable for or in respect of such Premises a Notice, bearing Date the Day and Year of serving the same, subscribed with the Name and Abode of such Collector, requiring Payment of the Sum apportioned within *Ten Days* from the Date of such 25 Notice, and expressing that within *Ten Days* the Money demanded may be paid to the Collector at his House or Office; and if such Money be not so paid within such Time, then it shall be lawful for such Collector to prefer a Complaint to any Justice of the Peace having Jurisdiction in such Town, and such Justice shall summon the 30 Party so complained against to appear before him, or any other Justice of the Peace sitting in Petty Sessions, and answer the said Complaint, and shall, at the Time specified in such Summons, examine into the Matter of such Complaint on Oath, and shall direct the Payment to such Collector of such Money as he shall find due and 35 payable under such Assessment by the Party complained against, together with a Sum certain for such reasonable Costs and Charges as to such Justice shall seem meet; and in default of the Appearance of such Party, or upon his or her Refusal or neglect forthwith to pay the Sum or Sums so by such Justice directed to be paid, it shall and 40 may be lawful for such Justice, or for any Justice of the Peace having Jurisdiction in such Town, to issue his Warrant authorizing and empowering the said Collector to levy the Money thereby ordered to be paid, by Distress and Sale of any Goods or Chattels of the Party

In default of Appearance, Goods of Party may be distrained.

- so complained against, which may be found within the Town, rendering the Overplus (if any) to him or her, the necessary Charges and Expenses of distraining being thereout first deducted, as directed by such Justice; and the Collector shall be bound to preserve the Warrants of such Seizures or Sales, and enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessment due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested for Three Months after the Date of each Sale respectively; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to any such Justice of anything done unjustly or oppressively in regard of such Seizure or Sale, such Complaints being made in the Form of Petitions subscribed by the Complainer, and the Decision of such Justice shall be final; or otherwise the Collector shall be and he is hereby authorized and empowered to sue for and recover all or any Part of such Assessment in arrear by Personal Action or by Suit before the Civil Bill Court of the Assistant Barrister having Jurisdiction in that Behalf as to such Town, or otherwise according to Law; and no Misnomer, Mistake, or Informality committed in any Proceedings for recovery of any Assessment under this Act shall prejudice the recovery of such Assessment and Expenses, nor shall such Proceedings abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Commissioners, but it shall be lawful for the Collector for the Time to prosecute and follow forth Proceedings commenced and carried on in the Name of any previous Collector in all respects as if such Proceedings had been taken by himself: Provided always, that it shall not be competent for any Person to sue, nor for any Court of Law to entertain, any Action or Proceeding against the Commissioners, or the Collector or Officers or other Persons employed in Executing any Warrant in reference to any Assessment under this Act, by reason of any Mistake, Informality, or Misnomer, if the Goods or other Effects seized or sold under such Warrant were bonâ fide the Property or in the lawful Possession of the Person actually liable to payment of such Assessment under the Provisions of this Act.

Power to proceed by Action or Suit.

- LXIV. Whenever the net annual Value of the rateable Hereditaments in any such Town (save the Towns next herein-after mentioned) actually Occupied by any Person or Persons shall not exceed *Four Pounds*, or in any of the Cities or Towns of Cork, Limerick, Belfast, or Waterford, in which this Act shall be adopted in the whole or in part, shall not amount to *Eight Pounds*, the Assessment under this Act in respect of such Property shall be made on the immediate

Immediate Lessors of Property of less Value than 4*l.*, or in certain Boroughs than 8*l.*, to be Assessed for the same.

Lessor or Lessors of such Person or Persons; and if at the Time of making any such Assessment the Name of the immediate Lessor be not accurately known to the Persons making the Assessment, it shall be sufficient to describe him therein as "the Immediate Lessor," with or without any Name or further Addition, and such Assessment shall 5 be held to be duly made on him by such Description, and shall be recoverable from him accordingly, notwithstanding any Error or Defect in his Name or Description, or the entire Omission of his Name therein.

Recovery of Assessment from Lessors by Action or Civil Bill, or by Warrant of Distress.

LXV. Any Assessment made as aforesaid on any Lessor, shall be 10 recovered from him by Personal Action in the Name of the Clerk of the Commissioners, and by their Direction against such Lessor in any of the Superior Courts of Record in Dublin, or by Civil Bill in the Court of proper Jurisdiction, or where such Lessor resides within such Town the Collector may leave at the Dwelling House of such 15 Lessor such a Notice as herein-before provided requiring Payment of the Assessment within *Ten Days*; and if such Assessment be not paid within such Time, the same may be recovered upon a Complaint before a Justice, and by Distress and Sale, under the Warrant of a Justice, of the Goods of such Lessor, in manner herein-before pro- 20 vided as to Assessments; and if a sufficient Distress of the Goods and Chattels of such Lessor cannot be found within such Town, then on Oath thereof made before any Justice of the Peace of any County in which any of the Goods and Chattels of such Lessor may be found, the Goods or Chattels of such Lessor shall be subject and liable to 25 such Distress and Sale in such County where the same may be found, and may by virtue of such Warrant be Distrained and Sold in the same Manner as if the same had been found within such Town; and if such Assessment be not paid by such Lessor within *Four Months* after the making thereof, it shall be lawful for the Collector, by 30 Direction of the Commissioners, to give a Notice in Writing as aforesaid to the Occupier or respective Occupiers for the Time being of any such Property, to pay the Assessment due in respect of the Property in his or their Occupation; and after the Expiration of *One Calendar Month* from the Time of giving such Notice it shall be 35 lawful to recover such last-mentioned Assessment from every such Occupier, or, in his Default, from any subsequent Occupier of the Premises; and every such Occupier so paying such Assessment may deduct from the Rent he may be then or next thereafter liable to pay in respect of any such Property the whole of any such Assessment 40 he may have paid in respect of the same Property; and if Rent sufficient to cover such Assessment be not then or do not thereafter become due from such Occupier, he shall be entitled to recover the same from such Lessor by Civil Bill; and save as herein-before in that

If Assessment be not paid by the Lessor, it may be recovered from the Occupier, who may deduct it from Rent.

that Behalf provided, and save as to the Provisions for a special Valuation of Premises in case the Poors Rate should, in the Judgment of the Commissioners, be an unfair Criterion by which the Rates should be made, so much of "The Towns Improvement Clauses Act, 5 1847," as relates to the Manner of making Rates, shall be incorporated with and form Part of this Act.

And with respect to Private and District Assessments for Sewers, Drains, and Private Improvements, be it enacted as follows :

LXVI. So much of "The Towns Improvement Clauses Act, Private As-
10 1847," as relates to Rates directed to be made for Sewers, Drains, and sessments.
Private Improvements shall be incorporated with and form Part of this Act ; and the said Commissioners shall cause to be made up a Recovery
15 shall forthwith be delivered over to the Collector as the Rule for levy- thereof.
ing and collecting the said Assessments ; and thereupon the several Provisions of this Act in reference to the Recovery of any other Assessments by this Act authorized shall apply to and be available for the Recovery of such Private and District Assessments.

20 And with respect to the Appeal to be made against any Assessment, be it enacted as follows :

LXVII. The Commissioners shall appoint a Day on which every Assessment shall be payable, and another Day on which Objections
by any Parties complaining that they have been improperly assessed
25 may be lodged with the Clerk, and another Day or Days, at an In- How Objec-
terval of *One Week* at the least respectively, on which Objections in tions to be
reference to such Assessment shall be heard by the Commissioners ; entered and
and Notice to each Party intended to be so assessed, stating the Part- disposed of.
30 ticulars of the intended Assessment as regards such Party, and speci-
fying the several Days fixed by the Commissioners as aforesaid, shall be sent by the Clerk through the Post Office at least *Two Weeks* pre-
ceding the Day which may be fixed for hearing the Objection of Parties ; and the Commissioners may rectify or alter any Assessment
as regards any Person assessed or liable to be assessed therefor, by
35 whom an Objection may be taken by Letter to the Clerk, lodged with him on or before such Day for lodging Objections as the Commis-
sioners shall have fixed as aforesaid : Provided that it shall be lawful for any Person considering himself aggrieved by any Assessment to
appeal from the Decision of the Commissioners to the Assistant
40 Barrister at the General or Quarter Sessions for the Division, who shall hear and determine such Appeal, and make such Order there-

upon, and as to the Costs thereof as shall be just, and such Determination upon such Appeal shall be final.

And with respect to the Accounts to be kept by the Commissioners, be it enacted as follows :

LXVIII. So much of "The Commissioners Clauses Act, 1847," as relates to the Accounts to be kept by the Commissioners, shall be incorporated with and form Part of this Act ; provided that the Appeal thereby directed shall, in Towns adopting the Provisions of this Act, be brought before the Court of the Assistant Barrister who shall hear and determine the same, and make such Order in respect thereof, and of the Costs thereby incurred, as shall be just, and such Determination shall be final.

And with respect to the borrowing of Money for the Purposes of this Act, be it enacted as follows :

Power to Commissioners to borrow Money for the Purposes of this Act, but not beyond the fixed Rate of Assessment.

LXIX. It shall be lawful for the Commissioners to borrow, for the Purpose of procuring or erecting a Slaughter-house or Weigh-house, or for erecting Lamps, or for constructing Common Sewers, or for procuring or supplying Water or Gas, or Fire Engines, or for any of the Purposes authorized by this Act, such Sums and at such Times as the Commissioners shall deem necessary for such Purposes ; provided that in all Cases where it shall be necessary to borrow any Sum or Sums for the Purposes of this Act it shall be lawful for the Commissioners, and they are hereby required, at their First Annual Meeting for Assessment after such borrowing, to assess all Persons within the Town liable in Assessment under this Act, in such additional Assessment as will produce a Fund equal to *Five* per Centum per Annum upon the Sum or Sums so borrowed, and also to the annual Interest of such borrowed Sum or Sums, which Sum of *Five* per Centum per Annum the Commissioners shall annually appropriate and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds, or in the Stock of the Governor and Company of the Bank of England or Ireland, as a Sinking Fund, applicable and to be applied by the Commissioners to the Repayment of the Money borrowed, until the Debt shall be extinguished ; provided that such additional Assessment shall at no Time increase the whole Assessment leviable beyond the maximum Rate of Assessment, as the Case may be, allowed by this Act ; and provided also, that no Sum of Money shall be borrowed until an Estimate of the Amount required shall have been laid before the Commissioners, and until the Expiration of *Six* Weeks after public Notice shall have been given by the Commissioners of the Amount so proposed to be borrowed, and the Purpose to which the same is to be applied, in some Newspaper in Circulation

Circulation within such Town; and provided also, that the Proposal to borrow shall be disposed of at the next Meeting of the Commissioners *Six Weeks* after such public Notice, and that the Sum borrowed shall not exceed the Amount so advertised without a further Estimate and
 5 Notice in manner above provided; and no Commissioner or Officer acting under them shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as herein-before provided; and
 10 save as above provided, so much of "The Commissioners Clauses Act, 1847," as relates to Mortgages to be executed by the Commissioners shall be incorporated with and form Part of this Act.

And with respect to the Regulation of Towns, and to Obstructions and Nuisances in the Streets, and to the Suppression of Vagrants and
 15 Beggars, be it enacted as follows:

LXX. The Commissioners may from Time to Time make Orders for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets of the Town in all Times of public Processions, Rejoicings, or Illuminations, and
 20 in any Case when the Streets are thronged or liable to be obstructed, and may also give Directions to the Constables and Officers of the Constabulary Force for keeping Order and preventing any Obstruction of the Streets in the Neighbourhood of Theatres and other Places of public Resort; and every wilful Breach of any such Order shall be
 25 deemed an Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding *Forty Shillings*.

Power to prevent Obstructions in the Streets during public Processions, &c.

LXXI. If any Cattle be at any Time found at large in any Street of the Town without any Person having the Charge thereof, any
 30 Constable or Officer of Constabulary, or any Person residing within the Town, may seize and impound such Cattle, and may detain the same until the Owner thereof pay to the Commissioners a Penalty not exceeding *Twenty Shillings* besides the reasonable Expenses of impounding and keeping such Cattle; and if the said Penalty and
 35 Expenses be not paid within *Three Days* after such impounding, the Person appointed by the Commissioners for that Purpose may proceed to sell such Cattle, or cause the same to be sold; but previous to such Sale, then *Three Days* Notice of such intended Sale shall be given by posting such Notice on the Constabulary Barrack, Pound, and other
 40 Place (if any) which may be appointed by the Commissioners for that Purpose, and the Money arising from such Sale, after deducting the said Sums, and the Expenses aforesaid, and all other Expenses attend-

Power to impound stray Cattle.

Power to sell stray Cattle for Penalty and Expenses.

ing the impounding, keeping, and Sale of any such Cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle so sold.

Penalty on
Persons com-
mitting any
of the Of-
fences herein
named.

LXXII. Every Person who in any Street, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, commits any 5 of the following Offences, shall be liable to a Penalty for each Offence as herein-after mentioned, or, in the Discretion of any Justice or Justices having Jurisdiction in such Town before whom he is convicted, may be committed to Prison, there to remain for a Period not exceeding *Fourteen Days*; and any Constable or other Officer 10 appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before a Justice or Justices, any Person who within his View commits any such Offence; (that is to say,)

Every Person who exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that 15 Purpose) any Horse or other Animal; or exhibits in a Caravan or otherwise any Show or Public Entertainment; or shoes, bleeds, or farries any Horse or Animals (except in Cases of Accident); or cleans, dresses, trains, or breaks or turns loose any Horse or Animal; or makes or repairs any Part of any Cart or Car- 20 riage (except in Cases of Accident where Repair on the Spot is necessary), shall be liable to a Fine not exceeding *Ten Shillings*:

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal, shall be liable to a 25 Fine not exceeding *Ten Shillings*:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Ground for believing it to be in a rapid State, or to have been bitten by any Dog or other Animal in a rapid State, shall be liable to a Fine not exceeding *Forty* 30 *Shillings*:

Every Person who, after public Notice given by any Justice or Justices at Petty Sessions, or Chief Magistrate, directing Dogs to be confined on account of Suspicion of canine Madness, suffers any Dog to be at large during the Time specified in such Notice, 35 shall be liable to a Fine not exceeding *Forty Shillings*:

Every Person who slaughters or dresses any Cattle, or any Part thereof, except in the Case of any Cattle over-driven which may have met with any Accident, and which for the public Safety or other reasonable Cause ought to be killed on the Spot, shall be liable 40 to a Fine not exceeding *Ten Shillings*:

Every Person having the care of any Waggon, Cart, or Carriage, who rides on the Shafts thereof; or who, without having Reins, and

and holding the same, rides upon such Waggon, Cart, or Carriage, or on any Animal drawing the same; or who is at such a Distance from such Waggon, Cart, or Carriage as not to have due Control over every Animal drawing the same; or who does not, in
5 meeting any other Carriage, keep his Waggon, Cart, or Carriage to the left or near Side, or who in passing any other Carriage does not keep his Waggon, Cart, or Carriage on the right or off Side of the Road (except in Cases of actual Necessity, or some sufficient reason for Deviation); or who, by obstructing the Street,
10 wilfully prevents any Person or Carriage from passing him, or any Waggon, Cart, or Carriage under his Care, shall be liable to a Fine not exceeding *Ten Shillings*:

Every Person who at One Time drives more than Two Carts or Waggon, and every Person driving Two Carts or Waggon who
15 has not the Halter of the Horse in the last Cart or Waggon securely fastened to the Back of the First Cart or Waggon, or has such Halter of a greater Length from such Fastening to the Horse's Head than Four Feet, shall be liable to a Fine not exceeding *Ten Shillings*:

20 Every Person who rides or drives furiously any Horse or Carriage, or drives furiously any Cattle, shall be liable to a Fine not exceeding *Twenty Shillings*:

Every Person who causes any Public Carriage, Sledge, Truck, or Barrow, with or without Horses, or any Beast of Burden, to stand
25 longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses and other Beasts of Draught or Burden, standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority); and every Person who, by
30 means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Animal, or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare, shall be liable to a Fine not exceeding *Twenty Shillings*:

35 Every Person who causes any Tree or Timber, or Iron Beam, to be drawn in or upon any Carriage, without having sufficient Means of safely guiding the same, shall be liable to a Fine not exceeding *Twenty Shillings*:

Every Person who leads or rides any Horse or other Animal, or
40 draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway of any Street, or fastens any Horse or other Animal so that it stands across or upon any Footway, shall be liable to a Fine not exceeding *Twenty Shillings*:

Every Person who places or leaves any Furniture, Goods, Wares,
45 or Merchandise, or any Cask, Tub, Basket, Pail, or Bucket,

or places or uses any Standing-place, Stool, Bench, Stall, or Showboard on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over and along any such Footway, unless such Blind, Shade, Covering, Awning, or other Projection is Eight Feet in Height at least in every Part thereof 5
from the Ground, shall be liable to a Fine not exceeding *Twenty Shillings* :

Every Person who places, hangs up, or otherwise exposes to Sale any Goods, Wares, Merchandise, Matter, or Thing whatsoever, so that the same project into or over any Footway, or beyond the 10
Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway, shall be liable to a Fine not exceeding *Twenty Shillings* :

Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, 15
or any Ladder, Plank, Pole, Timber, or Log of Wood, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway, shall be liable to a Fine not exceeding *Twenty Shillings* :

Every Person who places any Line, Cord, or Pole across any Street, 20
or hangs or places any Clothes thereon, shall be liable to a Fine not exceeding *Twenty Shillings* :

Every common Prostitute or Nightwalker loitering and importuning Passengers for the Purpose of Prostitution, shall be liable to a Fine not exceeding *Forty Shillings* : 25

Every Person who wilfully and indecently exposes his Person, shall be liable to a Fine not exceeding *Forty Shillings* :

Every Person who publicly offers for Sale or Distribution, or exhibits to Public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sings any 30
profane or obscene Song or Ballad, shall be liable to a Fine not exceeding *Forty Shillings* :

Every Person who wantonly discharges any Fire-arm, or throws or discharges any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework, shall be liable to a Fine 35
not exceeding *Ten Shillings* :

Every Person who wilfully and wantonly disturbs any Inhabitant, by pulling or ringing any Door Bell, or knocking at any Door, or who wilfully and unlawfully extinguishes the Light of any Lamp, shall be liable to a Fine not exceeding *Forty Shillings* : 40

Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow, shall be liable to a Fine not exceeding *Ten Shillings* :

Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, 45
or

or slacks, sifts, or screens any Lime, shall be liable to a Fine not exceeding *Ten Shillings*:

5 Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except building Materials so enclosed as to prevent Mischief to Passengers), shall be liable to a Fine not exceeding *Ten Shillings*:

Every Person who beats or shakes any Carpet, Rug, or Mat (except Rugs or Mats beaten or shaken before the Hour of Nine in the Morning), shall be liable to a Fine not exceeding *Ten Shillings*:

10 Every Person who fixes or places any Flower Pot or Box, or other heavy Article, in any upper Window, without sufficiently guarding the same against being blown down, shall be liable to a Fine not exceeding *Ten Shillings*:

15 Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger, shall be liable to a Fine not exceeding *Ten Shillings*:

20 Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail; or leaves defective the Door, Window, or other covering of any Vault, Area, or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open; or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto, shall be liable to a Fine not exceeding *Ten Shillings*:

25 Every Person who throws or lays any Dirt, Dung, Litter or Ashes, or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, on any Street, or Sea Beach, or Strand within the Boundaries of a Town, or causes any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Street: Provided always that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost, to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases, shall be liable to a Fine not exceeding *Ten Shillings*

30 Every Person who keeps any Pigstye to the Front of any Street, not being shut out from such Street by a sufficient Wall or Fence, or who keeps any Swine in or near any Street, so as to be a common Nuisance; and every Person drunk in any Street and guilty of any riotous or indecent Behaviour in any Police Office or Petty Sessions Court, or any Police Station House within the Town, shall be liable to a Penalty not exceeding *Forty Shillings* for every such Offence, or, in the Discretion of

Penalty on
drunken
Persons, &c.,
guilty of
riotous and
indecent
behaviour.

the Justice or Justices before whom he is convicted; to Imprisonment for a Period not exceeding *Seven Days*.

And with respect to the Suppression of Vagrants and Beggars, be it enacted as follows :

Vagrants and Beggars to be apprehended, and, on Conviction, imprisoned.

LXXIII. It shall be lawful for any Constable to apprehend and bring before the Magistrate all Persons found begging, and all Persons conducting themselves as Vagrants, having no fixed Place of Residence and no lawful Means of gaining their Livelihood within the Town; and such Persons upon Conviction shall be liable to be imprisoned for any Period not exceeding *Thirty Days*, and if any Money be found on their Persons, such Money may be applied towards their Maintenance while in Prison.

Procedure as to Persons sending out Children to beg.

LXXIV. It shall be lawful for any Constable to apprehend and bring before the Magistrate all young Persons found begging, or sent, or suffered to go out for that Purpose within the Town, and also the Parents of such young Persons, or other Relations to whose Control they are subjected, by whom they have been so sent out or suffered to go out, and also any other Persons by whom such young Persons have been so sent out; and on the Complaint being established that such young Persons have been sent out or suffered to go out for that Purpose by their Parents or either of them, or by any other Relation to whose control they are subject, or have been sent out for that purpose by any other Persons, it shall be lawful for the Magistrate to punish such Parent, Relation, or other Person as a Vagrant or disorderly Person by Imprisonment for a Period not exceeding *Thirty Days*.

Beggars and Vagrants to be handed over to Poor Law Authorities.

LXXV. It shall be lawful for any Constable to apprehend and bring before the Magistrate all such Beggars, Vagrants, and idle poor Persons, Men, Women, or Children strolling, or wandering, or seeking Relief, or found lying in any Out-house, Stair, Close, or Area, or other Place within the Town; and it shall be lawful for the Magistrate to direct and cause all such Persons as he may not at the Time convict of Begging and Vagrancy, as herein-before provided, to be handed over to the proper Relieving Officer of the Union within which such Persons shall have been found, in order that their Claims as Paupers may be investigated and disposed of according to Law.

And with respect to Regulations as to Fires, be it enacted as follows :

Penalty for wilfully setting Chimneys on fire.

LXXVI. Every Person who wilfully sets or causes to be set on fire any Chimney within the Town, shall be liable to a Penalty not exceeding

- exceeding *Five Pounds*: Provided that nothing herein contained shall exempt the Person so setting or causing to be set on fire any Chimney from liability to be prosecuted therefor before any Criminal Court; and if any Chimney within the Town accidentally catch or be on fire, the
- 5 Person occupying or using the Premises shall be liable to a Penalty not exceeding *Ten Shillings*: Provided that such Forfeiture shall not be incurred if such Person prove to the Satisfaction of the Magistrate before whom the Case is heard that such Fire was in nowise owing to Omission, Neglect, or Carelessness of himself or Servant.
- 10 LXXVII. The Commissioners may provide such Engines for extinguishing Fire, and such Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use, in case of fire, and keep or hire such Horses for drawing such Engines as they think fit, and employ a proper Number of Persons to act as Firemen, and make
- 15 such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in cases of fire as they think fit; and the Commissioners may send such Engines, and the said Firemen, beyond the Boundaries of the Town, for extinguishing fire in the Neighbourhood of the
- 20 Town, and the Owner of the Premises shall in such Case defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines, and for the Attendance of such Firemen; and the Amount of the said Expenses and Charges, as well as the propriety of sending the said
- 25 Engines and Firemen as aforesaid for extinguishing such Fire (if the Propriety thereof be disputed), shall be determined by the Justices at Petty Sessions, whose Decision shall be final; and the Amount of the said Expenses and Charges shall be recovered by the Commissioners as Damages
- 30 And with respect to Places of public Resort, be it enacted as follows:
- LXXVIII. Every Victualler, or Keeper of any Public House, or Person licensed to sell fermented or distilled Liquors by Retail, to be drunk or consumed on the Premises, within the Town, who harbours or
- 35 entertains in his Public House or Place wherein he carries on his Business any Constable during any Part of the Time for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, shall for every such Offence be liable to a Penalty not exceeding *Twenty Shillings*; and every Person keeping any Place of public
- 40 Resort within the Town for the Sale or Consumption of Refreshments of any kind, who knowingly suffers common Prostitutes or reputed Thieves to assemble and continue in his Premises, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*.

Penalty for accidentally allowing Chimneys to catch on fire.

Fire Engines may be provided and Firemen employed by the Commissioners.

Fire Police permitted to go beyond the Limits of the Town in certain Cases.

Penalty on Victuallers entertaining Constables while on Duty.

Penalty for harbouring disorderly Persons.

Penalty on
Persons
keeping
Places for
baiting Ani-
mals ; and
on Persons
found there-
in.

LXXIX. Every Person who within the Town keeps or acts in the Management of any House or Place for the Purpose of fighting, baiting, or worrying any Animals, shall be liable to a Penalty of not more than *Five Pounds*, or, in the Discretion of the Magistrate before whom he is convicted, to Imprisonment, with or without Hard 5 Labour, for a Time not exceeding *One Month* ; and the Commissioners may, by Order in Writing, authorize the Officer of Police, with such Constables as he thinks necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody 10 all Persons found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not exceeding *Five Shillings* ; and a Conviction for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any penal consequence to which he is liable for the Nuisance thereby occasioned.

Penalty
against
Swindlers,
&c.

LXXX. And be it enacted, That all Thimblers, loaded Dice 15 Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements or Articles in order to induce or who shall induce any Person to play at any Game of Hazard, or who by any fraudulent Art or Device shall 20 cozen, cheat, or attempt to cozen or cheat any Person, may be convicted before a Justice on the Testimony of One or more Witness or Witnesses ; and on Conviction shall be imprisoned for any Term not exceeding *Thirty Days* ; and shall also at the same Time be sentenced to repay any Money or restore any Property which they 25 may have obtained by means of any such Offence, and failing such Payment or Restoration may under the same Procedure be committed to or detained in Prison for any further Term not exceeding *Thirty Days*.

And with respect to public Bathing, be it enacted as follows : 30

Bathing
Machines
and bathing.

LXXXI. Where any Part of the Sea Shore or Strand of any River used as a public Bathing Place is within the Town, the Commissioners may make Byelaws for the following Purposes ; (that is to say,) 35

For fixing the Stands of Bathing Machines on the Sea Shore or Strand, and the Limits within which Persons of each Sex shall be set down for bathing, and within which Persons shall bathe ;

For regulating the Occupation of such Stands of Bathing Machines, and apportioning the same temporarily among the Owners of such Machines for the Time :

For preventing any indecent Exposure of the Persons of the 40 Bathers :

For

For regulating the Manner in which and the Times at which the Bathing Machines shall be used, and the Charges to be made for the same :

5 For ensuring that the Bathing Machines shall be kept in a proper State of Repair ;

For regulating the Distance at which Boats and Vessels let to hire for the Purpose of sailing or rowing for Pleasure shall be kept from Persons bathing within such prescribed limits.

And with respect to Hackney Carriages, be it enacted as follows :

10 LXXXII. Every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within *Four Miles* from the Post Office of the Town, and every Carriage standing upon any Street within such Distance, having thereon any numbered Plate required by this Act to be fixed upon a Hackney
15 Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of this Act ; and in all proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage : Provided, that no Stage Coach used
20 for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered Plates required by Law to be placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act.

What to be
Hackney
Carriages.

25 LXXXIII. The Commissioners may from Time to Time licence to ply for Hire, within such prescribed Distance, such Number of Hackney Coaches or Carriages, of any Kind or Description adapted to the Carriage of Persons, as they may think fit ; and for every such Licence there shall be paid to the Clerk, or other Person appointed by them
30 to receive the same, such Sum as the Commissioners direct, not exceeding *Five Shillings* : Provided that before any such Licence is granted, a Requisition for the same, in such Form as the Commissioners may provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in
35 respect of which such Licence is applied for, and in every such Requisition shall be truly stated the Name and Surname and Place of Abode of the Person applying for such Licence and of every Proprietor or part Proprietor of such Carriage ; and any Person who, on applying for such Licence, states in such Requisition the Name of
40 any Person who is not a Proprietor or part Proprietor of such Carriage, and also any Person who wilfully omits to specify truly in such
[12.] E 4 Requisition

Hackney
Carriages to
be licensed.

Fee to be
paid for
Licences.

Persons ap-
plying for
Licence to
sign a Requi-
sition for
same.

Requisition as aforesaid the Name of any Person who is a Proprietor or part Proprietor of such Carriage, shall be liable to a Penalty not exceeding *Five Pounds*.

What shall
be specified
in the Li-
cence.

Licence to be
in force for
One Year
only.

Licences to
be registered.

Penalty for
plying for
Hire without
a Licence.

Notice to be
given by
Proprietors
of Hackney
Carriages of
any change
of Abode.

LXXXIV. In every such Licence shall be specified the Name and Place of Abode of every Person who is a Proprietor or part Proprietor 5 of the Hackney Carriage in respect of which such Licence is granted, and also the Number of such Licence which shall correspond with the Number to be painted or marked on the Plates or Marks to be fixed on such Carriage, together with such other Particulars as the Commissioners think fit; and every Licence so to be granted shall 10 be signed by Two or more of the Commissioners, and shall not include more than One Carriage so licensed, and shall be in force from *One Year* only from the Day and the Date of such Licence, or until the the next General Licensing Meeting, in case any General Licensing 15 Day be appointed by the Commissioners; and every such Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver or Person attend- 20 ing such Carriage; and any Person may at any reasonable Time inspect such Book without Fee or Reward; and if the Proprietor or part Proprietor of any Carriage permits the same to be used as a Hackney Carriage plying for Hire within such prescribed Distance without having obtained a Licence for such Carriage, or during the Time that such Licence is suspended as herein-after provided, or if 25 any Person be found driving, standing, or plying for Hire with any Carriage within such prescribed Distance for which such Licence ought to be, but has not been, previously obtained, or without having the Number of such Carriage openly displayed on such Carriage, every Person so offending shall for every such Offence be liable to a 30 Penalty not exceeding *Forty Shillings*.

LXXXV. So often as any Person named in any such Licence as the Proprietor or One of the Proprietors changes his Place of Abode, he shall, within *Seven Days* next after such Change, give Notice thereof in Writing, signed by him, to the Commissioners, specifying in such 35 Notice his new Place of Abode; and he shall at the same Time produce such Licence at the Office of the Commissioners, who shall, by their Clerk, or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Person named in any such Licence as the Proprietor or One of the 40 Proprietors of any Hackney Carriage, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change,
or

or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon, as directed by this Act, shall be liable to a Penalty not exceeding *Forty Shillings*.

- LXXXVI. No Person shall act as Driver of any Hackney Carriage licensed in pursuance of this Act, without first obtaining a Licence from the Commissioners, which Licence shall be registered by the Clerk to the Commissioners, and a Fee of *One Shilling* shall be paid for the same; and every such Licence shall be in force until the same is revoked, except during the Time that the same may be suspended as after mentioned; and if any Person acts as such Driver without having obtained such Licence, or during the Time that his Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, or if the Proprietor of any Hackney Carriage employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended as herein-after provided, every such Driver and every such Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding *Twenty Shillings*; and the Commissioners may, upon the Conviction for the Second Time of the Proprietor or Driver of any Hackney Carriage for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any Byelaw made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

Drivers not to act without first obtaining a Licence.

Penalty on Drivers acting without Licence.

Licences to be suspended or revoked for Misconduct.

- LXXXVII. No Hackney Carriage shall stand or ply for Hire within such prescribed Distance, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in Form following, (that is to say), "To carry Persons," be printed on some conspicuous Place on the Outside of such Carriage, in legible Letters, so as to be clearly distinguishable from the Ground whereon the same are painted; and the Driver of any Hackney Carriage shall not be required to carry a greater Number of Persons than the Number painted thereon, and if the Proprietor of any Hackney Carriage permit the same to be used, or if any Person stand or ply for Hire with such Carriage, without having the Number of Persons to be carried thereby painted in manner aforesaid, or if the Driver of any Hackney Carriage refuse, when required by the Hirer thereof, to carry in or by such Hackney Carriage such Number of Persons, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding *Forty Shillings*; and any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages, or in any Street, who refuses or neglects, without reasonable Excuse, to drive such Carriage to any Place within such prescribed Distance, or any Distance to be appointed by any Byelaw of the Commissioners, to which he is

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

Penalty for Neglect or for Refusal to carry the prescribed Number.

Penalty on Driver for refusing to drive.

directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*.

Penalty for demanding more than the Sum agreed for, though less than the Legal Fare.

Agreement to pay more than the Legal Fare not to be binding.

Sum beyond the proper Fare may be recovered back.

Overcharge by the Hackney Coachmen, &c., to be included in Conviction, and returned to aggrieved Party.

Penalty on Drivers misbehaving.

Improperly standing with Carriage, refusing to give way to, or

LXXXVIII. If the Proprietor or Driver of any Hackney Carriage agree beforehand with any Person to take for any Job a Sum less than the Fare allowed by this Act, or any Byelaw made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding *Forty Shillings* if he exact or demand for such Job more than the Fare so agreed upon; and no Agreement whatever made with the Driver, or with any Person having the Care of any Hackney Carriage, for the Payment of more than the Fare allowed by any Byelaw made under this Act, shall be binding on the Person making the same, and any such Person may, notwithstanding such Agreement, refuse to pay any Sum beyond the Fare allowed; and if any Person actually pay to the Driver of any Hackney Carriage any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before a Justice, to recover back the Sum paid beyond the proper Fare, and moreover such Driver shall be liable to a Penalty for such Exaction not exceeding the Sum of *Forty Shillings*; and in default of the Repayment by such Driver of such Excess, or of Payment of the said Penalty, the Justice shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding *One Month*, unless the said Excess of Fare and the said Penalty be sooner paid; and every Proprietor or Driver of any Hackney Carriage who is convicted of taking as a Fare a greater Sum than is authorized by any Byelaw made under this Act shall be liable to a Penalty not exceeding *Forty Shillings*, and such Penalty may be recovered before a Justice; and in the Conviction of such Proprietor or Driver an Order may be included for Payment of the Sum so overcharged, over and above the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in proof of such Offence.

LXXXIX. If the Driver or any other Person having the Care of any Hackney Carriage be intoxicated while driving, or if any such Driver or other Person by wanton and furious driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding *Five Pounds*, and in default of Payment thereof the Justice before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding *Two Months*; and any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs

obstructs or hinders the Driver of any other Carriage in taking up or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable

obstructing any other Driver, or depriving him of his Fare.

- 5 to a Penalty not exceeding *Twenty Shillings*; and in every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage let to hire, the Justice before whom such Driver has been convicted may direct that the Proprietor of such Carriage shall pay such Sum not exceeding *Five*
 10 *Pounds* as appears to such Justice a reasonable Compensation for such Hurt or Damage; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver; and such Compensation shall be recoverable from such Proprietor, and by him from such Driver, as Damages.

Damage done by Driver may be recovered from the Proprietor.

- 15 XC. If the Driver of any Hackney Carriage leave it in any Street, or at any Place of public Resort or Entertainment, without some one proper to take care of it, any Constable may drive away such Hackney Carriage, and deposit it at some neighbouring Livery Stable or other Place of safe Custody; and such Driver shall be
 20 liable to a Penalty not exceeding *Twenty Shillings* for such Offence; and in default of Payment of the said Penalty upon Conviction, and of the Expenses of taking and keeping the said Hackney Carriage and Horse or Horses, the same, or any of them, shall be sold by Order of the Justice before whom such Conviction is made; and after deducting
 25 from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Justice as of the taking, keeping, and Sale of such Hackney Carriage, and of such Horse or Horses, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage.

Penalty for leaving Carriages unattended at Places of public resort.

- 30 XCI. If any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, the Fare allowed by any Byelaw made under this Act, such Fare may, together with Costs, be recovered before a Justice as a Penalty; and any Person using any Hackney Carriage plying under a Licence granted by virtue of
 35 this Act who wilfully injures the same shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Justice before whom the Conviction takes place,
 40 and shall be recovered by the same Means as the Penalty.

Penalty for refusing to pay the Fare.

Penalty for damaging Carriages.

XCII. The Commissioners may from Time to Time (subject to the Restrictions of this Act) make Byelaws for all or any of the Purposes following; (that is to say,) *to regulate*

Commissioners may make Bye-laws for regulating Hackney Carriages.

[12.]

F. 2

For

For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within such prescribed Distance in their several Employments, and determining whether such Drivers shall wear any and what Badges, and for regulating the Hours within which they may exercise their Calling : 5

For regulating the Manner in which the Number of each Carriage, corresponding with the Number of its Licence, shall be displayed :

For regulating the Number of Persons to be carried by Hackney Carriages, and in what manner such Number is to be shown on such Carriage, and what Number of Horses or other Animals is to draw the same, and the placing of Check-strings to the Carriages, and the holding of the same by the Driver, and how Hackney Carriages are to be furnished or provided : 10

For fixing the Stands of Hackney Carriages, and the Distance to which they may be compelled to take Passengers, not exceeding such prescribed Distance : 15

For fixing the Rates or Fares, as well for Time as Distance, to be paid for Hackney Carriages within such prescribed Distance, and for securing the due Publication of such Fares : 20

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages, and fixing the Charges to be made in respect thereof.

And with respect to providing Watchmen, be it enacted as follows :

Commissioners may appoint Watchmen. XCIII. It shall be lawful for the said Commissioners, if they 25 shall deem it expedient (in addition to any of the Constabulary Force stationed in such Town,) to appoint Watchmen to keep watch within such Town by Night, and also upon any special Occasions by Day, as they may be required by the Commissioners or any Three of them, 30 and to appoint and pay out of the general Assessments proper Salaries and Wages for such Watchmen, and to provide a Watch-house, and all necessary Articles for such watching, and to appoint the Times of Watch and the Stations and Duties of the several Watchmen, and to fine for Misconduct and to dismiss any such Watchmen at the Pleasure 35 of the Commissioners ; and it shall be lawful for such Watchmen to apprehend all such idle and disorderly or drunken Persons as they or any of them shall find committing any Breach of the Peace or making any improper Noise or Disturbance during the Night, or during their Watch, and to detain any such Persons till Morning, and then, or if 40 apprehended by Day, as soon as conveniently may be, to take such Person or Persons before any Justice of the Peace for or acting in the Borough, Town, or Place, to be dealt with according to Law ; and if any Victualler, Publican, or other Person or Persons selling Beer or Spirituous

Powers of Watchmen.

Penalty for harbouring Watchmen

Spirituous Liquors shall entertain or harbour in his, her, or their House any such Watchman during his appointed Hours of Duty, such Victualler, Publican, or other Person or Persons shall forfeit for such Offence any Sum not exceeding *Twenty Shillings*.

during the hours of Duty.

5 And with respect to legal Proceedings, be it enacted as follows:

XCIV. In all Cases in which the Amount of any Damages, Costs, and Expenses is by this Act directed to be ascertained or recovered in a summary Manner, the same may be ascertained by and recovered before One or more Justices, together with such Costs of the Proceedings as the said Justice or Justices may think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made, the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the said Justice or Justices making the Adjudication; and any Penalty imposed by or under the Authority of this Act, or any By-law made under this Act, the Recovery whereof is not otherwise expressly provided for, may, upon Proof on Oath of the Offence in respect of which the Penalty is alleged to have been incurred, be recovered before One or more Justices, together with such Costs of the Proceedings as they may think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the said Justice or Justices making the Adjudication; and such Justice or Justices may order that any Offender convicted as last aforesaid be detained and kept in safe Custody until Return can be conveniently made to the last-mentioned Warrant, unless he give sufficient Security, by way of Recognizance or otherwise, for his Appearance on the Day appointed by the Return, such Day not being more than *Eight* Days from the Time of taking the Security; and if before issuing such Warrant, or upon the Return thereof, it appear to the Satisfaction of the last-mentioned Justice or Justices that no sufficient Distress can be had within their Jurisdiction, such Justice or Justices may, by Warrant under their Hands and Seals, cause the Offender to be committed to Gaol, there to remain, without Bail, for any Term not exceeding *Three* Months, unless such Penalty and Costs be sooner paid.

Recovery of Damages, &c.

XCV. In proceeding before any Justice or Justices under the Provisions of this Act, in any Case in which the Mode of Proceeding is not specially prescribed, any One Justice may summon the Party charged to appear before the Justice or Justices by whom the Matter is to be determined, at a Time and Place to be named; and upon the

Mode of proceeding before Justices.

Distress how
to be levied;
not unlawful
for want of
Form.

Form of con-
viction.

Justices,
though Com-
missioners
under this
Act, may act
under this
Act.

Penalty on
Persons giv-
ing false Evi-
dence.

Common In-
formers not
to sue with-
out consent
of Attorney
General.

Proceedings
for Penalties
to be taken
within Six
Months.

Application
of Penalties.

Liability to
Penalty not
to relieve

Appearance of the Party charged, or in his Absence upon Proof of Service of the Summons upon him personally, or by leaving a Copy thereof at his last known Place of Abode or Business, the last-mentioned Justice or Justices may hear and determine the Matter, and for that Purpose examine the Parties or any of them, and their 5 Witnesses on Oath; and the Costs of all such Proceedings shall be in the Discretion of the last-mentioned Justice or Justices; and where in this Act any Sum of Money whatsoever is directed to be levied by Distress and Sale of the Goods and Chattels of any Party, the Over- 10 plus arising from such Sale shall, after satisfying such Sum, and the Costs and Expenses of the Distress and Sale, be returned to him, on Demand; and no Distress levied under the Authority of this Act shall be unlawful, nor shall any Party making the same be a Trespasser, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other proceeding relating thereto, 15 nor shall he be a Trespasser ab initio on account of any Irregularity afterward committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction in an Action upon the Case; and the Justices before whom any Person is convicted of any Offence against the Provisions of this Act may cause the Conviction 20 to be drawn up according to the Form and Directions contained in the Schedule (C.) annexed to this Act, or to the like effect; and any Conviction so drawn up shall be valid and effectual; and Justices of the Peace, being Commissioners or liable to Assessment under this Act, may, if acting in Petty Sessions, notwithstanding their being 25 such Commissioners, exercise the Jurisdiction vested in them as such Justices under this Act. Every Person who, upon any Examination upon Oath under the Provisions of this Act, shall wilfully give false Evidence, shall be liable to Punishment for Perjury.

XCVI. No proceedings for the Recovery of any Penalty incurred 30 under the Provisions of this Act shall be taken by any Person other than by a Party grieved, or the Commissioners, without the Consent in Writing of Her Majesty's Attorney General first had and obtained; and no such Penalty shall be recovered unless proceedings for the Recovery thereof shall have been commenced with *Six* Calendar 35 Months after the Commission or Occurrence of the Offence upon which the Penalty attaches; and *One Half* of such Penalty shall go to the Informer, and the Remainder to the Commissioners; and if the Commissioners be the Informers they shall be entitled to the whole of the Penalty recovered; and all Penalties or Sums recovered on 40 account of any Penalty by them shall be paid over to the Treasurer, and shall be placed to the Credit of the General Assessments Fund for the Purposes of this Act; any Act or Acts to the contrary notwithstanding, and notwithstanding the Liability of any Person to any Penalty

Penalty under the Provisions of this Act, he shall not be relieved from any other Liability to which he would have been subject if this Act had not been passed. from other Liabilities.

XCVII. Any Person who shall think himself aggrieved by any Appeal to Quarter Sessions.
 5 Order, Conviction, Judgment, or Determination of, or by any Matter or Thing done by, any Justice or Justices, under the Provisions of this Act, in any Case in which the Penalty imposed or the Sum adjudged shall exceed the Sum of *Twenty Shillings*, may appeal to the Court of General or Quarter Sessions for the respective Division
 10 or Place holden next after the Accrual of the Cause of Complaint; but the Appellant shall not be heard in support of the Appeal, unless within *Fourteen Days* after the Accrual of the Cause of Complaint he give to the Clerk of the Commissioners and to the Justice or Justices by whose Act he may think himself aggrieved Notice in Writing
 15 stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal; and the said Court, upon hearing and finally determining the Matter of the Appeal, shall and may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and its
 20 Determination shall be conclusive and binding on all Persons to all intents and purposes whatsoever; provided that if there be not Time to give such Notice before such Sessions holden as aforesaid, then such Appeal may be made to and such Notice and Statement given for the next Sessions for the respective Division or Place at which the
 25 Appeal can be heard: Provided also, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid.

XCVIII. The Commissioners may sue and be sued in the Name of Actions, &c., in name of Clerk.
 30 the Clerk for the Time being for or concerning any Contract, Matter, or Thing relating to any Property, Works or Things vested in them by reason of the Provisions of this Act, or relating to any Matter or Thing whatsoever entered into or done by them under the Provisions of this Act; and in Proceedings by or on the part of such Commissioners against any Person for stealing or wilfully injuring or other-
 35 wise improperly dealing with any property, Works, or Things belonging to them or under their Management, it shall be sufficient to state generally that the Property or Thing in respect of which the Proceeding is instituted is the Property of the said Clerk, and all legal Proceedings by or on the part of or against such Commissioners under
 40 this Act may be preferred, instituted, and carried on in his Name; and no Proceedings whatever shall abate or be discontinued by the Death, Resignation, or Removal of the Clerk, or by reason of any Change or Vacancy in such Commissioners, by Death, Resignation, Mode of describing Property of Commissioners.
Actions, &c., not to abate.
Clerk to be reimbursed
or

Expenses
and Costs.

or otherwise: Provided that the Clerk in whose Name any such Action, or Suit, Complaint, Information, or Proceeding may be brought, preferred, instituted, or defended as aforesaid, shall be fully reimbursed out of the general Assessments to be levied under this Act all such Costs, Damages, and Expenses as he shall or may be or become liable to pay, sustain, or be put unto by reason of his Name being so used. 5

Notice of
Action.

XCIX. No Writ of Summons and Plaint shall be sued out against or served upon the Commissioners or any of them, or their Clerk, or other Officer or Person whomsoever acting under the Direction of the Commissioners, for anything done or intended to be done under the Provisions of this Act, until the Expiration of *One Month* next after Notice in Writing shall have been delivered to him, or left at their or his Office or usual Place of Abode, stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice be proved the Jury shall find for the Defendant; 15 20

Limitation of
Actions.

and every such Action shall be brought or commenced within *Six* Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and it shall be a

Venue.

General
issue.

sufficient Defence for the Defendant to allege that he did what is complained of under the Provisions of this Act, and to give this Act 25

Tender of
amends, &c.

and all special Matter in Evidence thereunder; and any Person to whom any such Notice of Action is given as aforesaid may tender Amends to the Plaintiff, his Attorney or Agent, at any Time within One Month after Service of such Notice, and in case the same be not accepted may plead such Tender as a Defence, and if upon Issue joined, the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinue, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly. 30 35

Money may
be paid into
Court.

No Rate or
Proceeding
to be quash-
ed for want
of Form, &c.

C. No Rate nor any Proceeding to be had touching the Conviction of any Offender against this Act, nor any Order, Award, or other Matter or Thing whatsoever, made, done, or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari or other Writ or Process whatsoever into any of the Superior Courts. 40 45

"Persons act-
ing in execu-
tion of Act

CI. No Matter or Thing done or Contract entered into by the Commissioners, nor any Matter or Thing done by any Commissioner,

21. or

or by any Officer or Person whomsoever acting under the Direction of the Commissioners, shall, if the Matter or Thing were done, or the Contract were entered into bonâ fide for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Commissioner, Officer, or Person acting as last aforesaid shall be borne and repaid out of the general Assessments levied under the Authority of this Act.

not to be
Personally
liable.

CII. When this Act shall be adopted in whole or in part in any Town which had previously adopted it in whole or in part, the Powers and Provisions of the said Act of the Ninth Year of King George the Fourth, Chapter Eighty-two, or in any Town or Place which had previously possessed a Local Act or Acts as aforesaid, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into, and all Assessments imposed or to be imposed under and by virtue of such first-mentioned Acts or of such Local Act or Acts, in so far as regards anything done under such Acts or any of of them previous to the Adoption of this Act, shall remain in full Force and Effect, and shall continue available and binding on all concerned; and nothing herein contained shall be construed to affect the Debts, Rights, or Claims of any Creditor under such Local Act or Acts; and the Officers appointed under and employed on the *First of January One thousand eight hundred and fifty-four*, in the Execution of such first-mentioned Act and of such Local Act or Acts, shall continue to be employed under the Provisions of this Act so far as possible in Offices of an analogous Nature, until they are respectively superseded or removed for Insufficiency, or for other good or sufficient Cause.

Bonds, Con-
tracts, &c.,
under former
Act to be
saved;

and Officers
in office to
continue un-
til removed.

Act to ex-
tend only to
Ireland.
Act not to
affect the
Borough of
Dublin.

CIII. This Act shall extend only to Ireland; and nothing herein contained shall extend to or affect the Borough of Dublin.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

City [or Town] } NOTICE is hereby given, That in virtue of the Powers
of } contained in an Act of Parliament passed in the
Session holden in the Sixteenth and Seventeenth Years of the Reign
of Her Majesty Queen Victoria, intituled "The Towns Improvement
(Ireland) Act, 1854," and by the Order of the Lord Lieutenant of
Ireland in that behalf, bearing Date the Day the
rated Occupiers and Lessors hereinafter mentioned of Premises in the
City [or Town] of [or where the Boundaries have been
ascertained by the Lord Lieutenant's Order under this Act, within the
Boundaries following, viz., repeat them as in the said Order], are
hereby required to meet upon the Day of
next, at of the Clock, within [state exact Place of Meeting],
when the said Act shall be laid before the Meeting, with the view of
adopting it in whole or in part; that is to say, the rated Occupiers and
Lessors following are required to meet as aforesaid, viz.: Every Male
Person of full Age who shall have occupied as Tenant or Owner, or
shall have been the immediate Lessor (rated for such Premises to the
relief of the Poor) of any Lands, Tenements, or Premises within the
said [City or Town], or within such Boundaries as aforesaid, and shall
have been so rated in respect of such Premises for the Period of
Months preceding the said Day of Meeting, and shall have paid all
such Poor Rates as shall have become payable by him in respect of
such Premises, except such as shall have become payable within
Months preceding such Day of Meeting.

Dated at the Day of 18 .

(Signed)

E.F., Chief Magistrate,
or Justices [as the case may be].

SCHEDULE (B.)

Form of the Book to be used in the Elections of Commissioners.

Names and Designations of Commissioners voted for.		Qualifications of Electors.	Signatures of Electors.
1.			

SCHEDULE (C.)

Form of Conviction.

County of } Be it remembered, That on the Day of
 [or, Borough, &c.] } in the Year of our Lord
 to wit. } A.B. is convicted before me [or us]

One [or Two] of Her Majesty's Justices of the Peace in and for the County [or Borough, &c.] of [here describe the Offence generally, and the Time and Place when and where committed, in the Words of this Act or as near thereunto as may be], contrary to "The Towns Improvements (Ireland) Act, 1854;" and I [or We] do adjudge that the said A.B. hath forfeited for his said Offence the Sum of [Amount of Penalty adjudged], and that he do pay to C.D. the further Sum of as and for his Costs in this Behalf.

Given under my Hand and Seal [or our Hands and Seals], the Day and Year first above written.

(Signed) (L.S.)
 (L.S.)

Towns Improvement.

(Ireland.)

A

B I L L

To make better Provision for the paving, lighting, draining, cleansing, supplying with Water, and Regulation of Towns in Ireland.

*(Prepared and brought in by
Sir John Young, Viscount Palmerston, and the
Solicitor-General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
10 February 1854.*

[Bill 12.]

Under 8 oz.

Towns Improvement (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Interpretation of Terms; Sect. 1.

Short Title of Act; 2.

Form in which Portions of this Act may be incorporated in other Acts or in Documents; 3.

On Application of Twenty-one Eight Pound Householders of any Town, Lord Lieutenant may order Mayor, &c., to convene a Meeting to consider the carrying this Act into execution therein; 4.

Order to specify the Boundaries of the Town for the Purposes of Act. If Act adopted, same to be the Boundaries; 5.

Notice of such Meeting, when and how to be given; 6.

At such Meeting Persons rated for One Year to Poor Rates for Premises of the annual Value of Eight Pounds within the Town to have Votes. Right of voting to be determined by Chairman; 7.

Power of Meeting to adopt this Act, or to decline to adopt it; 8.

Expenses attending the calling First Meeting, &c. how to be borne; 9.

Chairman to declare the Determination of the Meeting; 10.

Poll Books to be provided; 11.

State of Poll to be ascertained and declared; 12.

How Minutes of Meeting to be worded if Act adopted in part only; 13.

If Act not adopted, Proposal may be re-considered after One Year; 14.

A certified Copy of Determination of such Meeting to be transmitted to the Lord Lieutenant; if Lord Lieutenant approve of such Determination, Notice of Approbation to be published in Dublin Gazette, and Act put in force accordingly; 15.

Number of Commissioners; 16.

Where 9 G. 4. c. 82. in force in any Town, same to be no longer in force after First Election of Commissioners under this Act; 17.

Where a Local Act provides for any Purposes of this Act, the Act not to be put in force without previous Consent of Two Thirds of Commissioners under Local Act. After Adoption of this Act, Local Act to be no longer in force for the Purposes of this Act; 18.

[Bill 58.] a

Qualification for voting under 9 G. 4. c. 82. and under Local Acts to cease, and an Eight Pound rating to the Relief of the Poor to be substituted in lieu thereof; 19.

After Commencement of this Act Lord Lieutenant not to direct Meetings to be called for considering the Adoption of the 9 G. 4. c. 82;—20.

Where Commissioners under Local Act decline to consent to the Adoption of this Act, same may be adopted by Consent of Two Thirds of the Town Council; 21.

Election and Rotation of Commissioners.

First Election of Commissioners; 22.

Qualification of Electors; 23.

Day for Election; 24.

“Commissioners Clauses Act,” as to Election and Rotation of Commissioners, incorporated herewith, save as above provided; 25.

Qualification of Commissioners.

Qualification of Commissioners; 26.

“Commissioners Clauses Act,” as to Qualification, incorporated, save as above; 27.

Meetings and Proceedings of Commissioners.

First Meeting; statutory annual Meetings; special Meetings; 28.

“Commissioners Clauses Act,” as to Meetings, incorporated; 29.

Chairman of Commissioners to be a Justice of Peace for the Purposes of the Act; 30.

Commissioners to provide suitable Court-house, and proper Officer to act as Clerk; 31.

Officers, Surveyor, Inspector of Nuisances, &c.

“Towns Improvement Clauses Act” incorporated; Approval of Lord Lieutenant required; 32.

Surveys and Plans.

“Towns Improvement Clauses Act” relative thereto incorporated; 33.

Purchase of Lands.

Power to Commissioners to purchase or take Land; “Towns Improvement Clauses Act” relative thereto incorporated; 34.

Sewers.

Power to purchase certain Sewers; 35.

“Towns Improvement Clauses Act” relative thereto incorporated; Appeal; 36.

Drainage of Houses.

“Towns Improvement Clauses Act” relative thereto incorporated ;
Appeal ; 37.

Paving Streets.

“Towns Improvement Clauses Act” relative thereto incorporated ; 38.

New Streets.

“Towns Improvement Clauses Act” relative thereto incorporated ;
Appeal ; 39.

Naming, Numbering, and Improving Streets.

“Towns Improvement Clauses Act” relative thereto incorporated ;
Appeal ; 40.

Ruinous Buildings, Precautions during Repairs.

“Towns Improvement Clauses Act” relative thereto incorporated ; 41.

Objections to Works, and Appeals.

“Towns Improvement Clauses Act” incorporated ; 42.

Persons aggrieved by Order of Commissioners may appeal to Assistant Barrister ; 43.

Cleansing Streets, Prevention of Nuisances, Smoke.

“Towns Improvement Clauses Act” relative thereto incorporated ; 44.

Prevention of Fire.

Party Walls to be carried up through the Roof ; 45.

Ventilation.

“Towns Improvement Clauses Act” relative thereto incorporated ;
Appeal ; 46.

Lodging House.

Regulation of Lodging Keepers to report Persons resorting thereto ; 47.

“Towns Improvement Clauses Act” relative thereto incorporated, save as above provided ; 48.

Slaughter-houses.

“Towns Improvement Clauses Act” relative thereto incorporated ; saving of Rights ; 49.

Offensive Trades ; 50.

Lighting.

Commissioners may contract for lighting Streets; Price to be paid for Gas to be ascertained in case of Dispute; 51.

Water.

“ Towns Improvement Clauses Act ” relative thereto incorporated; Commissioners may provide Supply of Water, and erect Waterworks; Water may be kept under Pressure; Commissioners not to erect Waterworks if Waterworks Company willing to supply Water; 52.

Service Pipes to be laid by Owners; Water to be used only for domestic Purposes; Commissioners may make Bye-laws relative thereto; 53.

Penalties for Injury to Waterworks, or wasting Water; Penalties for fouling Water; and on Proprietors of Gas Works injuring same; 54.

Special Order, Clocks, Entry of Commissioners, Execution of Works.

“ Towns Improvement Clauses Act ” relative thereto incorporated; 55.

Cemeteries.

“ Cemeteries Clauses Act ” relative thereto incorporated; 56.

Gunpowder.

Regulations as to Gunpowder; 57.

Byelaws.

“ Towns Improvement Clauses Act ” and “ Commissioners Clauses Act ” relative thereto incorporated; Confirmation required; Notice of Confirmation to be given; 58.

Contracts and Deeds.

“ Commissioners Clauses Act ” relative thereto incorporated; 59.

Officers, Clerks, Collectors, Treasurer.

“ Commissioners Clauses Act ” relative thereto incorporated, but Bank to be Treasurer; how Drafts to be drawn; 60.

General Assessments.

Commissioners to make Assessment for the Purposes of this Act ; 61.
Assessment Book to be made up, and Objections how to be entered
and disposed of by the Commissioners ; Copy of Assessment Book
to be delivered to the Collector ; 62.

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Assessment may be levied by Distress and Sale, or upon a complaint
to be made to a Justice, who shall summon the Party. In default
of Appearance, Goods of Party may be distrained ; 64.

Immediate Lessors of Property of less value than 4*l.* to be assessed
for the same ; 65.

Recovery of Assessment from Lessors by Action of Civil Bill, or by
Warrant of Distress. If Assessment be not paid by the Lessor it
may be recovered from the Occupier, who may deduct it from
Rent ; “ Towns Improvement Clauses Act ” relative hereto
incorporated, save as above provided ; 66.

Private and District Assessments.

“ Towns Improvement Clauses Act ” relative thereto incorporated ;
Recovery of such Assessments ; 67.

Appeal against Assessments.

How Objections to be entered and disposed of ; 68.

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The Provisions of “ The Commissioners Clauses Act ” relative to
Accounts, Auditors, &c., incorporated ; Appeal ; 69.

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Power to Commissioners to borrow Money for Purposes of Act ;
Commissioners not to be personally responsible ; Provisions of
“ Commissioners Clauses Act ” relative hereto incorporated ; 70.

POLICE REGULATIONS.

Power to prevent Obstructions during public Processions, &c. ; 71.

Power to impound stray Cattle, and sell them for Penalty and
Expenses ; 72.

Penalty on Persons committing any of the Offences herein named,
and on drunken Persons, &c., guilty of riotous or indecent Beha-
viour ; 73.

And on Vagrants and Beggars ; 74—76.

Fires.

Penalty for wilfully setting Chimneys on fire; for accidentally allowing Chimneys to catch fire; 77.

Fire Engines may be provided and Firemen employed by the Commissioners, and permitted to go beyond the Limits of the Town in certain Cases; 78.

Places of Public Resort.

Penalty on Victuallers entertaining Constables while on Duty, and for harbouring disorderly Persons; 79.

Penalty on Persons keeping Places for baiting Animals, and on Persons found therein; 80.

Swindling and Gaming.

Penalty against Swindlers, &c.; 81.

Bathing.

Bathing Machines and bathing; 82.

Hackney Carriages.

What to be Hackney Carriages; 83.

Hackney Carriages to be licensed; Fee to be paid for Licences; Persons applying for a Licence to sign a Requisition for same; 84.

What shall be specified in the Licence; Licence to be in force for One Year only; Licences to be registered; 85.

Notice to be given by Proprietors of Hackney Carriages of any Change of Abode; 86.

Drivers not to act without first obtaining a Licence; Penalty on Drivers acting without Licence; Licences to be suspended or revoked for Misconduct; 87.

Number of Persons to be carried in a Hackney Carriage to be painted thereon; Penalty for Neglect or for Refusal to carry the prescribed Number; Penalty on Driver for refusing to drive; 88.

Penalty for demanding more than Sum agreed for, though less than legal Fare; Agreement to pay more than legal Fare not binding; Overcharge by Hackney Coachman, &c., to be included in Conviction, and returned to aggrieved Party; 89.

Penalty on Drivers misbehaving; improperly standing with Carriage, refusing to give way to, or obstructing any other Driver, or depriving him of his Fare; Damage done by Driver may be recovered from the Proprietor; 90.

Penalty for leaving Carriages unattended at Places of public Resort; 91.

Penalty for refusing to pay the Fare; Penalty for damaging Carriage; 92.

Commissioners may make Byelaws for regulating Hackney Carriages and Boats; 93.

Watchmen.

Commissioners may appoint Watchmen; Powers of Watchmen; Penalty for harbouring Watchmen during Hours of Duty; 94.

Legal Proceedings.

Recovery of Damages, &c.; 95.

Mode of proceeding before Justices; Form of Conviction; Justices, though Commissioners, may act under this Act; Penalty on Persons giving false Evidence; 96.

Common Informers not to sue without Consent of Attorney-General. Proceedings to be taken within Six Months; Penalty not to relieve from other Liabilities; 97.

Appeal to Quarter Sessions; 98.

Actions, &c., in Name of Clerk; 99.

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No Rate or Proceeding to be quashed for want of Form, &c.; 101.

Persons acting in execution of Act not to be personally liable; 102.

Miscellaneous Provisions.

Bonds, Contracts, &c., under former Act to be saved; 103.

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SCHEDULES.



(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make better Provision for the paving, lighting,
draining, cleansing, supplying with Water, and
Regulation of Towns in Ireland.

[Note.—*The Clauses marked A. to E. were inserted in Committee.*]

5 **W**HEREAS it is expedient to make better Provision for the Preamble.
paving, lighting, draining, cleansing, supplying with
Water, and Regulation of Towns in Ireland, and to extend
to such Towns certain Provisions of "The Commissioners Clauses
10 & 11 Vict.
c. 16.
10 & 11 Vict.
c. 34.
5 Act, 1847," and of "The Towns Improvement Clauses Act, 1847,"
and of certain other Acts herein-after mentioned: Be it enacted by
the Queen's most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same,
10 as follows:

15 I. The following Words and Expressions in this Act shall have the
Meanings hereby assigned to them, unless there be something in the
Subject or Context repugnant to such Construction; (that is to say,)
the Word "Town" shall mean and include a City, Town Corporate,
Borough, Market Town, or other Town in Ireland, containing a
Population of One thousand Inhabitants or upwards, as ascertained
by their last Population Returns made pursuant to Act of Par-
liament;
[Bill 58.] A

Interpreta-
tion of Terms
in this Act.
"Town."

- “Lord Lieutenant.” liament; the Expression “the Lord Lieutenant” or “Lord Lieutenant of Ireland” shall include any other Chief Governor or
- “Justices.” Governors of Ireland; the Word “Justices,” as far as it relates to any Town situate in the Dublin Metropolitan Police District, shall be construed to mean the Divisional Magistrates of the said Police 5
- “Person.” District; the Word “Person,” and Words applying to any Person or Individual, shall apply to and include Corporations; the Word
- “Householder.” “Householder” shall mean a Male Occupier of a Dwelling House, or of any Lands, Tenements, or Hereditaments within the prescribed Boundaries of the Town rated to the Relief of the Poor in respect 10
- “Occupier.” thereof; the Word “Occupier” shall extend to and include an immediate Lessor made liable under this Act to Assessments in cases of Premises of such small annual Value as herein-after mentioned respectively in that behalf, and such Word “Occupier” shall not include a Lodger or a Party in the Occupation as Tenant of a Furnished House 15
- “Lodging House.” let for a less Period than One Year, but shall include the Party by whom such furnished House is so let; the Expression “Lodging House” shall mean a House in which Lodgers are housed for a less Period than One Week at a Time, at an Amount not exceeding Four-
- “County.” pence per Head per Night; the Word “County” shall include a County 20
- “Commissioners.” of a City or County of a Town; the Expression “the Commissioners” shall mean a Majority of the Commissioners for the Purposes of this Act acting in and for a Town by which this Act has been in whole or
- “Treasurer.” in Part adopted; the Word “Treasurer” shall mean any Bank or Banking Company appointed by the Commissioners to act as their 25
- “Lands.” Treasurer; the Word “Lands” and the Word “Premises” shall
- “Premises.” include all Lands, Springs, Dwelling Houses, Shops, Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, and other
- “Street.” Houses and Buildings, and Yards and Places; the Word “Street” shall extend to and include any Road, Bridge, Lane, Square, Court, 30
- “Oath.” Alley, and Thoroughfare or Public Passage; the Word “Oath” shall include Affirmation in the Case of Quakers, and Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath;
- “Owner.” the Word “Owner,” used with reference to any Lands or Premises in respect of which any Work is required to be done, or any Assess- 35
- “Assistant Barrister.” ment paid under this Act, shall mean the Person for the Time entitled to receive, or who, if such Lands or Premises were let to a Tenant at a Rackrent, would be entitled to receive the Rack Rent from the Occupier thereof; the Expression “Assistant Barrister” shall mean the Assistant Barrister for the County or Place in which the Lands or 40
- “Rack rent.” Premises in question are situate, and shall also include the Chairman of the Sessions of the Peace of the County of Dublin; the Expression “Rackrent” shall mean Rent which is not less than Two Thirds of the full net annual Value of the Property out of which the Rent arises, and the full net annual Value shall (save as regards any Valuation for 45
- Poor

- Poor Rates or Valuation for Assessments under this Act) be taken to be the Rent at which the Property ought reasonably to be expected to let from Year to Year, free from all Quit Rent, Head Rent, Ground Rent, and usual Tenants Rates and Taxes, and deducting therefrom
- 5 the probable annual Cost of the Repairs, Insurance, and other Expenses (if any) necessary to maintain the same in a state to command such Rent; the Expression "Private Assessment" shall mean any Assessment or Charge on Individuals for Private Improvement Expenses, or for House Drainage, or otherwise under this Act; the Expression
- 10 "District Assessment" shall mean any Assessment other than a "Private Assessment" which is confined only to a Portion or District of any Town; the Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine; the Expression
- 15 "lawful Day" shall mean a Day not being Sunday, Christmas Day, or Good Friday, and when any Number of Days is appointed by this Act, the same shall be construed to mean such lawful Days, and be computed inclusive of the first, and exclusive of the last of such Days; Words importing the Singular Number shall include the Plural
- 20 Number, and Words importing the Plural Number shall include the Singular Number; and Words importing the Masculine Gender (except only the Word "Male") shall include Females.
- Gender.
- Number.
- Gender.

- II. In citing this Act in other Acts of Parliament, and in legal Instruments, and in pleading, it shall be enough to use the Expression
- 25 "The Towns Improvement (Ireland) Act, 1854."
- Short Title of this Act.

- III. For the purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be enough to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the
- 30 Clauses so described, or that this Act, with the Exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act; and such Reference to said introductory Words shall also be a sufficient
- 35 Incorporation thereof in any Notice, Application, or other Proceeding under this Act.
- Form in which Portions of this Act may be incorporated in other Acts, or in Documents.

- IV. Upon the Application of Twenty-one or more Householders of any Town in Ireland, each of such Householders occupying a Dwelling House or other Lands, Tenements, or Hereditaments within such Town,
- 40 and rated in respect thereof to the Relief of the Poor at a net annual Value of Eight Pounds or upwards, applying that this Act, or that specific Portion thereof (described as herein-before provided) may be carried into
- [58.] A 2 execution
- On Application of Twenty-one Householders of any Town, Lord Lieutenant may order Mayor, &c.

to convene a Meeting to consider the carrying this Act into execution therein.

execution in such City or Town, it shall be lawful for the Lord Lieutenant of Ireland to order and direct that the Mayor or other Chief Magistrate of such Town (being a Corporate Town), or any Two or more Justices of the Peace resident within Ten Miles of such Town, shall convene a Meeting for the Purpose of considering the carrying of this 5 Act into execution, and shall preside thereat; such Orders and Directions to be signified by the Chief Secretary of the Lord Lieutenant, or in his Absence by the Under Secretary, and a Copy of such Orders and Directions, with the Names of the Parties signing the Application for the same, shall be inserted, under the Direction of such Chief or 10 Under Secretary, in the Dublin Gazette, and in One or more Newspaper or Newspapers published in such Town, and if none be therein published, then in One or more Newspapers published nearest to such City or Town.

Order to specify the Boundaries of Town for the Purposes of this Act. If Act adopted, same to be the Boundaries.

V. Any such Order and Direction as aforesaid shall describe and 15 specify the proposed Boundaries, for the Purposes of this Act, of such Town; and the same shall be in like Manner published in such Gazette and Newspaper or Newspapers as aforesaid; and if this Act shall be adopted in manner herein mentioned, in the whole or in part, such proposed Boundaries shall be deemed to be the Boundaries of 20 such City or Town, for the Purposes of this Act: Provided always, that, in case it shall hereafter appear necessary, it shall be lawful for the Commissioners, by and with the Consent of the Lord Lieutenant, to alter or extend the Boundaries of such City or Town; and such altered or extended Boundaries shall then be deemed to be the Boun- 25 daries of such City or Town for the Purposes of this Act.

Notice of such Meeting, when and how to be given.

VI. Such Meeting shall be holden at some convenient Place within such City or Town, and the said Mayor, or other Chief Magistrate, or Justices, as the Case may be, shall, within Ten Days after the Receipt of such Orders and Directions signified as aforesaid, appoint and notify 30 a Place within the Town, and a Time for holding such Meeting, which Time shall not be less than Ten Days, and not more than Twenty-one Days, from the Time of so first notifying the same; and such Notification shall be made by affixing Notices by Handbills Ten Days before the Day of the Meeting, in the Form in the Schedule marked (A.) to this Act 35 annexed, on the Outside of the principal Doors of every Parish Church and Roman Catholic Chapel (if any) situate within such Town, and on the principal Market House or Place where Markets are usually holden in the same, and on the Door of the Sessions House where the General Quarter Sessions of the Peace shall be holden for such City 40 or Town, or for the Division in which the same shall be situate, and also by causing a Notice of like Purport to be inserted twice in any Newspaper or Newspapers published within such City or Town, and if

if none be therein published, then in the Newspaper published nearest to such City or Town.

- VII. At any such Meeting convened as aforesaid such Persons as next herein-after mentioned shall be admitted and entitled to vote, and no other Person whatsoever; that is to say, every Male Person of full Age who shall have occupied as Tenant or Owner, or shall have been the immediate Lessor (rated for such Premises to the Relief of the Poor) of any Lands, Tenements, or Hereditaments within such City or Town, or within such Boundaries of the same respectively as aforesaid, and shall have been rated in respect of such Premises for the Period of Twelve Months preceding under the Acts for the Relief of the destitute Poor in Ireland, as Occupier of such Lands, Tenements, or Hereditaments, at a net annual Value of Eight Pounds or upwards, such Right of voting to be evidenced by the Rate Book of the Union, which the Clerk of the Union is hereby required to produce at such Meeting; and if any Controversy shall arise at any such Meeting as to the Qualification or Right of voting of any Person claiming to vote, or to be qualified, such Controversy shall be determined by the Person or Persons, as the Case may be, presiding at such Meeting, whose Determination shall be final.

At such Meeting, Persons rated for One Year to Poor Rates for Premises of the Value of 8*l.* within the Town to have Votes.

Right of voting to be decided by Chairman.

- VIII. Such Meeting, after having had this Act laid before them, together with a Copy of such Application and such Order as aforesaid, shall proceed to consider and determine whether this Act shall, in whole or in part, be adopted and carried into execution within such Town, or shall appoint a Committee of their own Number, not exceeding Nine, to inquire and report to some future Meeting, to be held on such Day as shall be appointed by such Meeting; and such future Meeting shall, upon receiving the Report of such Committee, proceed in all respects in the Manner herein directed for such Meeting.

Power of Meeting to adopt this Act, or to decline to adopt it.

- IX. If the Provisions of this Act shall be adopted in whole or in part, all the Expenses incurred in relation to calling the First Meeting, making out Returns and Lists of qualified Occupiers, if such be necessary, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the Money assessed and levied under the Authority thereof; but in case the Provisions of this Act shall not be adopted by such Meeting as aforesaid, in whole or in part, then the whole of said Expenses shall be borne by the Persons signing the Application for holding such Meeting.

Expenses attending the calling First Meeting, &c. how to be borne.

- X. The Person or Persons presiding at such Meeting shall ascertain the Determination thereof by a Show of Hands, or in such other

Chairman to declare the Determination of the Meeting.

[58.]

A 3

Manner

Majority
sufficient.

Manner as shall appear to him or them expedient, and if necessary shall appoint Two such Ratepayers, qualified as aforesaid, to act as Tellers to ascertain and enumerate the Votes of qualified Persons assenting to or dissenting from the Adoption of this Act, in whole or in part, and such Tellers shall report the Result of their Scrutiny 5 to such Person or Persons presiding at such Meeting, who shall declare the same; and in case no Poll shall be demanded, as hereinafter provided, any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if carried by a Majority of Persons qualified and voting as aforesaid; provided always, that if a Poll shall be demanded as aforesaid at such Meeting, in Writing, and signed by 10 any Ten Persons qualified to vote at such Meeting, it shall then be lawful for the Person or Persons presiding at such Meeting, and he or they are hereby required, to direct the Poll so demanded to be proceeded with at such Polling Place or Places and within such Period as he or 15 they shall determine, such Period not to exceed Two clear lawful Days from the Day of such Meeting; and no Poll authorized by this Act to be taken shall be kept open for more than One Day, and the Polling shall commence at the Place or Places intimated at Nine o'Clock of the Forenoon, and close at Four o'Clock of the Afternoon 20 of the Day that shall be named.

CLAUSE A.
Poll Books to
be provided.

XI. Such Chief Magistrate, Mayor, or Justices shall direct the necessary Number of Poll Clerks to be appointed, and of Poll Books to be prepared, in which Books shall be inscribed by such Clerks the Name of the Voter and the Manner in which he votes. 25

CLAUSE B.
State of Poll
to be ascer-
tained and
declared.

XII. As soon after the Close of the Poll as may be the Poll Clerks shall transmit the State of the respective Polls to such Chief Magistrate, Mayor, or Justices, who shall sum up the same, and openly declare the Result of the total Poll at an adjourned Meeting to be held on the next lawful Day; and any Resolution to adopt the Provisions 30 of this Act, in whole or in part, shall be effectual if carried by a Majority of the Persons qualified and voting as aforesaid.

How Mi-
nutes of
Meeting to
be worded if
Act adopted
in part only.

XIII. If such Resolution shall be to adopt this Act only in part, the Matter or Matters with respect to which this Act is so adopted shall be set forth and declared in the Minutes of such Meeting in the Words 35 introductory to the Enactment in this Act with respect to such Matters or it shall be set forth and declared in such Minutes that this Act, with the Exception of the Matter or Matters so described, is so adopted; and any Adoption of this Act, though in part only, shall infer the Adoption of the Enactments with respect to Assessments, and shall 40 also infer the Adoption of the Enactments with respect to Appeal herein-after provided in so far as the Enactments relate to the Matter or

or Matters adopted, and shall also infer the Adoption of every other general Enactment or Enactments applicable to such Matter or Matters, though not specially set forth and declared in such Minutes to be adopted.

- 5 XIV. Where any Town shall have resolved not to adopt the Provisions of this Act, the Householders and Occupiers thereof, qualified in each Case respectively as aforesaid, may, after the Expiration of One Year from the Date of any preceding Meeting, but not sooner, by such and the like Proceedings, again take this Act into consideration, and adopt the same in whole or in part, or determine not to adopt the same; and when any Town shall have adopted them only in Part, the Householders and Occupiers thereof, qualified in each Case respectively as aforesaid, may, after the Expiration of Two Months from the Date of any preceding Meeting, but not sooner, by such and the like Proceedings, again take this Act into consideration, and adopt such Part thereof as may not formerly have been adopted, or determine not to adopt the same.

If Act not adopted, Proposal may be re-considered after One Year; if adopted only in part, it may after Two Months be further adopted.

- XV. The Person or Persons presiding at such Meeting shall, within One Week, transmit to the Lord Lieutenant of Ireland a Copy, certified under his or their Hand, of the Resolution and Determination of such Meeting as aforesaid; and within One Month after such Resolution or Determination shall have been so certified, in case such Resolution or Determination shall be in favour of adopting the Execution of this Act in whole or in part; and in case the Lord Lieutenant shall approve of the same, he shall notify his Approbation thereof to the said Person or Persons, and cause Notice of such Approbation to be published in the Dublin Gazette; and from and after a Day to be named in such Notice in that behalf, either the whole of this Act, or the Portion thereof so adopted and approved, shall be applicable to and in force in such Town; and the said Notice shall further state the Number of Commissioners to be elected for carrying this Act into execution in such Town, and the Number and the Boundaries of Wards into which such Town is to be divided, provided that an equal Number of such Commissioners shall be elected by each of the said Wards; provided that in case of any Borough or Town Corporate in Ireland, the Town Council of such Borough shall be the Commissioners for carrying this Act into execution therein, where the Adoption of this Act, in whole or in part, shall have been determined on and approved in manner aforesaid; and in such Case no such Statement as last aforesaid of Division into Wards, or of the Number of Commissioners to be elected, shall be contained in such Notice.

Certified Copy of Determination to be transmitted to Lord Lieutenant.

If Lord Lieutenant approve of Determination, Notice of Approbation to be published in Gazette, and Act put in force accordingly.

Notice to state Number of Wards and Number of Commissioners to be elected.

In Corporate Towns, Town Council to be the Commissioners.

Number of
Commis-
sioners.

If the Town
be divided
into Wards.

Where 9 G. 4.
c. 82. in
force in any
Town, same
to be no long-
er in force
after First
Election of
Commis-
sioners under
this Act.

Where a Lo-
cal Act in
any Town
provides for
any Purposes
of this Act,
this Act not
to be put in
force with-
out previous
Consent of
Two Thirds
of Commis-
sioners under
Local Act.

After adop-
tion of this
Act, and
First Elec-
tion of Com-
missioners,
Local Act to
be no longer
in force for
the Purposes
of this Act.

XVI. The Commissioners for the Purpose of executing this Act, to be elected as herein provided, shall be in Number not less than Nine nor more than Twenty-one, as may be determined as aforesaid; and where the Town shall be divided into Wards as aforesaid, the Number thereof, and the Number of Commissioners to be elected, shall be so settled and adjusted that there shall be not less than Three such Commissioners for each such Ward. 5

XVII. In any Town where the Act of the Ninth Year of King George the Fourth, Chapter Eighty-two, shall be in force, and by which Town Application shall be made and Proceedings had in manner aforesaid under this Act, then from and after the First Election of Commissioners under this Act for such Town, the said Act of the Ninth Year of King George the Fourth shall be no longer in force therein, save and except as to Matters or Things theretofore done, and as to any Debts, Demands, Rights, Liabilities, or Engagements theretofore incurred or accrued under the Provisions thereof; and all Property, (including all Property vested in the said Commissioners under the Provisions of the Act of the Third and Fourth Years of Her present Majesty, Chapter One hundred and eight,) and all Claims, Demands, and Liabilities or Engagements of the Commissioners under the said Act of the Ninth Year of King George the Fourth shall be transferred to and vested in the said Commissioners under this Act. 15 20

XVIII. Where any Local Act in force in any Town before the passing of this Act provides for any of the Purposes for which Provision is hereby made, this Act shall not be adopted or put in force therein in manner herein provided, so far as relates to any of the Purposes for which Provision is made under such Local Act, without the Consent in Writing of Two Thirds of the Commissioners or governing Body, constituted for the Purposes of such Local Act, first had and obtained at a Special Meeting of such Commissioners or governing Body, called upon Ten Days previous Notice at the least (to be published in the Manner and for the Time herein-before mentioned), but this Act may without such Consent be adopted and put in force for other Purposes for which Provision is not made under such Local Act; but in such Case where such Consent is hereby required, and has been had, then from and after the Adoption of this Act in the whole or in part, and the First Election of Commissioners under this Act for such Town, such Local Act shall be no longer in force in such Town, so far as regards the Provisions of such Act which have reference to the Purposes for which this Act shall have been so adopted, save and except as to Matters and Things theretofore done, and as to any Debts, Demands, 25 30 35 40

Demands, Rights, or Liabilities theretofore incurred or accrued under or in relation to such Provisions thereof; and in such Case, if under the Provisions of such Local Act any Tolls within such Town shall have been payable to and vested in such Commissioners or Governing Body
5 such Tolls, and all Rights of receiving and levying the same, and the Remedies for the Recovery thereof, shall, from and after the First Election of Commissioners under this Act, be transferred to and stand vested in the Commissioners under this Act, subject nevertheless to all Debts, Demands, Rights, Liabilities, or Engagements theretofore
10 affecting such Tolls or such Commissioners under such Local Act in respect thereof; and such Tolls shall stand vested in the said Commissioners acting under this Act, upon the Uses and Trusts, and for the Purposes, and subject to the same or like Regulations as contained and provided in such Local Act relating to such Tolls, so far as may be
15 consistent with this Provision for the Transfer of the same as aforesaid; and such Commissioners under this Act shall be likewise empowered to raise, levy, and apply, for the Purposes of this Act, such Rates and Assessments, and of such Amount and for such Purposes, as by this Act is herein-after provided.

20 XIX. In any Case in which, according to the Provisions of the Act of the Ninth Year of the Reign of King George the Fourth, Chapter Eighty-two, or of any Local Act in force in any Town or County of a Town in Ireland for the Improvement or Regulation thereof, the Qualification of Persons authorized to vote in the Election
25 of Commissioners for executing such Local Act, or to vote in relation to Matters to be done under the Provisions of such Local Act, is settled or regulated otherwise than as next herein-after provided, such Qualification for voting shall cease and determine, and instead thereof the following Persons shall be qualified to vote under such Local Act; that is
30 to say, every Male Person of full Age who shall have occupied as Tenant or Owner, or shall have been the immediate Lessor rated for such Premises to the Relief of the Poor of any Lands, Tenements, or Hereditaments within such Town, or within the prescribed Boundaries of the same, and shall have been rated in respect of such Premises at a net
35 annual Value of Eight Pounds or upwards, for the Period of Twelve Months preceding, under the Acts for the Relief of the destitute Poor in Ireland, and shall have paid all such Poor Rates as aforesaid as shall have become payable by him in respect of such Premises more than Six Months next preceding the Time of voting as aforesaid.

Qualification for voting under 9 G. 4. c. 82. or under Local Acts for Improvement of Towns to cease, and an 84. rating to the Relief of the Poor to be substituted as the Qualification for so voting.

40 XX. From and after the Commencement of this Act it shall not be lawful for the Lord Lieutenant of Ireland to order or direct any Meeting to be called or convened for the Purpose of carrying the said
[58.] B Act

Lord Lieutenant not to direct Meetings for the Adoption of the 9 G. 4. c. 82.

Act of the Ninth Year of King George the Fourth, Chapter Eighty-two, into execution.

Where Commissioners under Local Act decline to consent to the Adoption of this Act, same may be adopted by Consent of Two Thirds of Town Council, and Powers of Assessment under Local Act transferred to Commissioners under this Act.

XXI. In any City or Town Corporate where any Local Act in force provides for Purposes for which Provision is made under this Act, and where the Commissioners constituted under the said Local Act decline 5 to consent to the Adoption of this Act in the Manner herein-before provided, then and in that Case this Act may be adopted or put in force in whole or in part in said City or Town Corporate, by Consent obtained in Writing under the Hands of Two Thirds of the Town Council of said City or Town corporate; and in case any or all the 10 Purposes for which the Assessment, or any Part thereof, under such Local Act is raised and levied are adopted as aforesaid under the Provisions of this Act, then the Powers of Assessment for such Purposes under such Local Act, and in the Manner specified by such Local Act, so far as such Powers are necessary for carrying out such Purposes 15 and no further, shall be transferred to the said Commissioners under this Act, in addition to the Powers of Assessment herein-after provided under this Act: Provided always, that in case there exists any Debt due of the Commissioners of said Local Act, borrowed under the Provisions thereof, and payable out of the Dues and Duties leviable under 20 said Act, such Debt, with the Interest accruing and payable thereon, shall be transferred to the Commissioners under this Act, and be considered as Money borrowed by them under the Provisions of this Act, and repayable as herein-after provided in respect to all Monies to be borrowed by the Commissioners appointed under this Act. 25

And with respect to the Election and Rotation of Commissioners under this Act, be it enacted as follows:

First Election of Commissioners under Act.

XXII. As soon as conveniently may be after the Receipt of the Lord Lieutenant's Approval of the Adoption of this Act, in the whole or in part, in and for any Town, the Chief Magistrate, 30 Mayor, or Justices as aforesaid shall convene a Meeting of the rated Occupiers, qualified as next herein-after mentioned, of such City or Town, or (if the same shall be divided into Wards) of such respective Wards, for the First Election of Commissioners for the Purpose of executing this Act, at some convenient Place in 35 such City or Town, or in their respective Wards, as the Case may be, to be specified in the Notice to be given of such Meeting, and, in such Places as shall be divided into Wards as aforesaid, the Ward Meetings shall, at the said First Election of Commissioners under this Act, be presided over by a Justice of the Peace resident 40 within such Ward (if any), and in default of such, by One of the highest

highest Ratepayers within such Ward, to be nominated by the Mayor, Chief Magistrate, or Justices aforesaid.

- XXIII. At such First and every other Meeting for the Election of Commissioners in said Town as herein-after prescribed, such Persons
- 5 as next herein-after mentioned shall be admitted and entitled to vote, and no other Person whatsoever; that is to say, every Male Person of full Age who shall have occupied as Tenant or Owner, or shall have been the immediate Lessor (rated for such Premises to the Relief of the Poor) of any Lands, Tenements, or Hereditaments within such
- 10 Town, or within such Boundaries of the same respectively as aforesaid, and shall have been rated in respect of such Premises for the Period of Twelve Months preceding the First Day of January in the Year in which any such Election shall be held, under the Acts for the Relief of the destitute Poor in Ireland, and shall have paid all such Poor
- 15 Rates as aforesaid as shall have become payable by him in respect of such Premises, and all Grand Jury Rates, and all such Rates as shall have become payable by him under any Local Act in force in the City or Town under this Act, except such as shall have become payable within Six Months next preceding such Election; and of the
- 20 Payment or Nonpayment of such Rate, a Receipt, Certificate, or certified List, under the Hand of the Collector of Poor Rate, the Barony Collector, and the Collector under any Local Act in force in the City or Town, shall for such Purpose be deemed sufficient Evidence, and which Certificate or certified List such Collectors and Barony Con-
- 25 stables are hereby required to furnish to the Person or Persons presiding at such Election; and if any Controversy shall arise at such Meeting as to the Qualification or Right to vote of any Person claiming to vote or to be qualified, such Controversy shall be determined by the Person or Persons presiding at such Meeting upon reference to the
- 30 Rate Book, which the Clerk of the Union is hereby required to produce at such Meeting.

Qualification
of Electors
at Elections
of Commis-
sioners.

- XXIV. The Day upon which One Third of the Commissioners elected under this Act shall annually go out of Office, as herein-after provided, shall be the Fifteenth Day of October in each Year, or the
- 35 next lawful Day thereto, and on the same Day annually the Places of Commissioners going out of Office shall be supplied by an equal Number of new Commissioners, to be chosen from among the Householders or Occupiers of the Town, qualified to be Commissioners, as herein-after prescribed; and where the Town is divided into Wards, the
- 40 Place of each Commissioner going out of Office shall in all cases under this Act be filled up by the Ward which returned him: Provided always, that if such First Election of Commissioners under this Act shall take place before the Fifteenth Day of October in the Year of

Day for Elec-
tion of Com-
missioners.

such Election, the Commissioners then first elected shall all continue in Office until the Fifteenth Day of October in the Year next ensuing that in which such Election shall have been held, or the next lawful Day afterwards.

Commissioners
Clauses
Act, as to
Election and
Rotation,
incorporated
herewith.

XXV. Save as herein-before in that Behalf provided, so much of 5
“The Commissioners Clauses Act, 1847,” as relates to the Election and
Rotation of the Commissioners, save so much thereof as relates to the
Scale of Votes of Owners and Occupiers, shall be incorporated with
and read as Part of this Act; and that wherever in the Portions of said
Act so incorporated, or in any other Portions of said Act, or of “The 10
“Towns Improvement Clauses Act, 1847,” herein-after incorporated
with this Act, the Expression “Special Act” occurs, same shall be
construed, but so far only as relates to Towns which shall adopt the
Provisions of this Act, to mean this Act, and shall be read as if, instead
of such Expression, there were inserted in such Provisions the Words 15
“The Towns Improvement (Ireland) Act, 1854,” as applied to any
particular Town adopting the Provisions of this Act and of the Acts
incorporated herewith.

And with respect to the Qualification of Commissioners, be it
enacted as follows: 20

Qualification
of Commis-
sioners.

XXVI. Any Householder or Occupier of the Town rated to the
Relief of the Poor in respect of a Dwelling House therein at the net
annual Value of Twelve Pounds or upwards, shall be eligible to be
elected a Commissioner for the Purposes of this Act, and may be pro-
posed at such Meeting by any Householder or Occupier qualified to 25
vote under the Provision herein-before contained, and may be seconded
by any other Householder or Occupier qualified to vote as aforesaid.

Incorpora-
tion Clause.

XXVII. So much of “The Commissioners Clauses Act, 1847,” as
relates to the Qualification of the Commissioners, shall be incorporated
with and read as Part of this Act. 30

And with respect to the Meetings and other Proceedings of the
Commissioners, and their Liabilities, be it enacted as follows:

First Meet-
ing of Com-
missioners.

XXVIII. All the Commissioners so returned as aforesaid shall, at
Twelve of the Clock at Noon on the First Monday after such Election,
hold their First General Meeting in the Town Hall or other convenient 35
Place within such Town, with Power to adjourn to such other Place
as they may think fit; and Meetings of the Commissioners shall be
held in such Places as they shall appoint within the Town, upon the
Second Monday of the Months of February, May, August, and
November in each Year, at Twelve of the Clock at Noon; and no 40

Statutory
Meetings.

Rules or Regulations shall be adopted or carried into execution by any special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually.

Special Meetings not to annul Rules made at statutory Meetings.

5 XXIX. So much of "The Commissioners Clauses Act, 1847," as relates to the Meetings and other Proceedings of the Commissioners, and their Liabilities, shall be incorporated with and read as Part of this Act.

Incorporation Clause. Meetings of Commissioners.

And with respect to the Chairman of the Commissioners, be it enacted as follows:

XXX. The Commissioners elected under this Act shall furnish to the Lord Chancellor of Ireland for the Time being a certified Return, setting forth the Name, Age, Rating, Occupation or Profession of the Person elected to be Chairman of said Commissioners, and if the Lord Chancellor shall approve, then in all Cases arising under this Act and cognizable by One or more Justices of the Peace, the said Chairman for the Time being (not being an Ecclesiastic of any Religious Denomination,) shall, during his Term of Office, and during the Pleasure of the Lord Chancellor, have the Jurisdiction and Authority of a Justice of the Peace within the Boundaries of the Town as specified for the Purposes of this Act, and for such Purposes only, provided such Town be not situate within the Dublin Metropolitan Police District.

Chairman to be a Justice of the Peace for the Purposes of the Act.

XXXI. And with respect to the Duties of such Chairman, so qualified as aforesaid, to have the Jurisdiction and Authority of a Justice of the Peace, be it enacted as follows:

It shall be lawful for the said Commissioners and they are hereby required to appoint a proper Officer to act as Clerk, and to provide a suitable Building to be a public Court for the hearing and determining of Offences under this Act; and it shall be lawful for the said Chairman, or any other Justice of the Peace of the City or Town, or of the County in which such City or Town is situate, to sit at and hold such Court on every Fair and Market Day of such City or Town for the hearing and determining of Offences under this Act; and, save and so far as is not herein enacted to the contrary, such Chairman or other Justice or Justices presiding at such Court, shall have the same Powers as Justices presiding at Petty Sessions.

CLAUSE C. Commissioners to provide suitable Court-house, and proper Officer to act as Clerk.

And with respect to the Officers to be appointed by the Commissioners, be it enacted as follows:

XXXII. So much of "The Towns Improvement Clauses Act, 1847," as relates to the Officers to be appointed by the Commissioners,

Officers: Proviso as to Approval.

shall be incorporated with and form Part of this Act: Provided always, that the Approval requisite to the Appointment of such Officers shall be the Approval of the Lord Lieutenant of Ireland for the Time being.

And with respect to Plans of Towns, and of the Works to be executed under the Powers of this Act, be it enacted as follows:

Surveys and
Plans.

XXXIII. So much of "The Towns Improvement Clauses Act, 1847," as relates to Plans of the District, and of the Works to be executed under any Act, shall be incorporated with and form Part of this Act.

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And with respect to the Purchase of Lands, be it enacted as follows:

Taking of
Lands.

XXXIV. The Commissioners, with the Consent and Approval of the Lord Lieutenant, may purchase or take upon Lease, sell, or exchange any Lands or Premises for the Purposes of this Act, with or without the Consent of the Owner thereof; and in the event of the Refusal or Incompetency to consent to such Sale, Exchange, or Letting of such Owner, then so much of "the Towns Improvement Clauses Act, 1847," and of the Act incorporated therewith as relates to taking Lands, and the Compensation to be made by the Commissioners for Damage done by them in execution of the Powers of the Act shall extend to such Case, and shall be incorporated with and form Part of this Act.

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And with respect to making and maintaining the Public Sewers, be it enacted as follows:

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Power to
purchase,
&c. certain
Sewers.

XXXV. The Commissioners may, if they shall think fit, purchase the Rights, Powers, and Authorities vested in any Person for making Sewers, or contract for the Use of, or purchase any Sewers within the Town, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Sewers belong may sell and dispose of the same to or otherwise contract with the Commissioners; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Commissioners purchasing the same.

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Incorporation Clause.
Appeal.
Persons aggrieved by

XXXVI. So much of "The Towns Improvement Clauses Act, 1847," as relates to the making and maintaining the public Sewers, shall be incorporated with and form Part of this Act: Provided always, that as regards the making, altering, and maintaining Sewers and

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and Drains it shall be lawful for any Person whose Property may be taken or affected, or who shall think himself thereby aggrieved, to appeal thereon to the Court of the Assistant Barrister in manner herein-after mentioned. making, &c.
Sewers, may
Appeal.

5 And with respect to the Drainage of Houses, be it enacted as follows :

XXXVII. So much of "The Towns Improvement Clauses Act, 1847," as relates to the Drainage of Houses, shall be incorporated with and form Part of this Act: Provided, that where the Commissioners shall signify their Disapproval of the Level at which it is proposed to lay the Foundations of any new House as provided therein, it shall be lawful for any Person who shall think himself aggrieved thereby to appeal thereon to the Court of the Assistant Barrister in manner herein-after provided. Drainage of
Houses.

Incorporation
Clause.
Appeal.

15 And with respect to paving and maintaining the Streets, be it enacted as follows :

XXXVIII. So much of "The Towns Improvement Clauses Act, 1847," as relates to paving and maintaining the Streets shall be incorporated with and form Part of this Act. Paving In-
corporation
Clause.

20 And with respect to laying out new Streets, be it enacted as follows :

XXXIX. So much of "The Towns Improvement Clauses Act, 1847," as relates to laying out new Streets be incorporated with and form Part of this Act: Provided always, that as regards the making and laying out any new Streets, and fixing the Levels thereof, it shall be lawful for any Person whose Property may be taken or affected, and who shall think himself thereby aggrieved, to appeal thereon to the Assistant Barrister in manner herein-after mentioned. New Streets
Incorporation
Clause.
Appeal.

Parties ag-
grieved may
appeal.

And with respect to naming the Streets and numbering the Houses, and also with respect to improving the Line of the Streets and removing Obstructions, be it enacted as follows :

XL. So much of "The Towns Improvement Clauses Act, 1847," as relates to naming the Streets and numbering the Houses, and also so much thereof as relates to improving the Line of the Streets and removing Obstructions, shall be incorporated with and form Part of this Act: Provided always, that as regards the improving the Line of any Street and removing Obstructions it shall be lawful for any Person whose Property may be taken or affected, and who shall think himself Naming
Streets;
numbering
Houses; Ob-
structions.

Parties ag-
grieved may
appeal to the
Assistant
Barrister.

himself thereby aggrieved, to appeal thereon to the Assistant Barrister in manner herein-after mentioned.

And with respect to ruinous or dangerous Buildings, and also with respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses, be it enacted as follows :

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Ruinous
Buildings,
Precautions,
&c.

XLI. So much of "The Towns Improvement Clauses Act, 1847," as relates to ruinous and dangerous Buildings, and also so much thereof as relates to Precautions during [the Construction and Repair of the Sewers, Streets, and Houses, shall be incorporated with and form Part of this Act.

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And with respect to Objections to Works to be constructed by or subject to the Approval of the Commissioners, be it enacted as follows :

Objections
to Works.

XLII. So much of "The Towns Improvement Clauses Act, 1847," as relates to Objections to the Works to be constructed by or subject to the Approval of the Commissioners, except so much thereof as relates to the Appeal thereby provided, shall be incorporated with and form Part of this Act.

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Persons ag-
grieved by
Orders of the
Commis-
sioners may
appeal to the
Assistant
Barrister.

XLIII. Any Person liable to pay or to contribute towards the Expense of any of the Works herein-before mentioned, or otherwise aggrieved by any Order of the Commissioners relating thereto, may, at any Time within Seven Days next after the making of any such Order, give Notice in Writing to the Commissioners that he intends to appeal against such Order to the Assistant Barrister at the next Quarter Sessions for the Division or Place, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal ; and if within Eight Days next after giving such Notice the Party give Security by Recognizance before a Justice of the Peace, with Two sufficient Sureties, to the Satisfaction of such Justice, to abide the Order of the Assistant Barrister, and pay such Costs as may be awarded against him thereupon, the Work so appealed against shall not be begun until after the Judgment of the Assistant Barrister upon such Appeal ; and a Copy of such Notice, and Statement of the Grounds of such Appeal as aforesaid, shall be lodged by the Appellant with the Clerk of the Peace on the Day before the Commencement of the Sessions at which the Appeal is to be heard ; and the Assistant Barrister shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying such Order, Proceeding, or Matter, and shall award such Costs to either of the Parties, as the said Assistant Barrister in his Discretion thinks fit ; provided,

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provided, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Recognizance entered into as aforesaid, nor on the hearing of such Appeal shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid; provided also, that if there be not an Interval of Fifteen Days between the making of such Order and the then next Sessions, then such Appeal may be made and such Notice given for the next following Sessions for the Division or Place at which the Appeal can be heard.

10 And with respect to cleansing the Streets, and the Prevention of Nuisances, and the Prevention of Smoke, be it enacted as follows :

XLIV. So much of "The Towns Improvement Clauses Act, 1847," as relates to cleansing the Streets, and the Prevention of Nuisances, and the Prevention of Smoke, shall be incorporated with and form Part of this Act.

Cleansing Streets, Prevention of Nuisances, and of Smoke.

And with respect to the Construction of Houses for Prevention of Fire, be it enacted as follows :

XLV. The Party Walls of all Buildings erected after the Adoption of this Act by any Town shall be carried through and above the Roof, to form a Parapet of not less than Twelve Inches in Height, measured at Right Angles with the Slope of the Roof, above the Covering of the Roof of the highest Building to which such Party Walls belong; and every Person who shall erect any Building contrary to the Provision herein contained, and who shall not alter the same within One Month after Notice given to him for that Purpose by the Commissioners, shall be liable to a Penalty not exceeding Five Shillings for every Day that such Building shall so continue.

Party Walls to be carried up through the Roof.

And with respect to supplying Buildings with fresh Air, be it enacted as follows :

30 XLVI. So much of "The Towns Improvement Clauses Act, 1847," as relates to supplying Buildings with fresh Air shall be incorporated with and form Part of this Act; provided, that the Appeal from the Determination of the Commissioners in this respect shall be such Appeal to the Court of the Assistant Barrister as is herein-before provided.

Ventilation.

And with respect to Lodging Houses, be it enacted as follows :

XLVII. It shall not be lawful to keep or use as a Lodging House within the Town, any House, not being a Licensed Victualling House, unless such House shall have been registered as a Lodging House in a Book to be kept by the Commissioners for that Purpose; and every Person letting Lodgings or giving Accommodation for the Night or

For the regulation of Lodging Houses.

Keepers of Lodging Houses

[58.]

C

Day

for Mendicants to report Persons resorting thereto.

Day to Mendicant or Vagrant Persons within the Town, shall, if required by any Order of the Commissioners specially made and served upon such Person, be bound to report each and every Day at the Constabulary or Police Office, or to the Chief Constable of Police or Constable of the District, every Person who has resorted to such House during the preceding Night or Day; and for that Purpose Schedules shall be furnished by the Commissioners to the Persons so ordered to report, which Schedules they shall be bound to fill up with the Information required, and transmit to the said Office, or to the Chief Constable of Police, or Constable of the District as aforesaid; 10 and if any such Person shall fail to comply with any such Order he shall, upon Conviction before the Magistrate, for each Offence be liable to a Penalty not exceeding Five Shillings.

Incorporation Clause.

XLVIII. Save as above provided, so much of "The Towns Improvement Act, 1847," as relates to Lodging Houses shall be incorporated with and form Part of this Act. 15

And with respect to Slaughter-houses, be it enacted as follows:

Slaughter-houses.

Saving rights of Persons incorporated by Act of Parliament for maintaining Slaughter-houses.

XLIX. So much of "The Towns Improvement Clauses Act, 1847," as relates to Slaughter-houses shall be incorporated with and form Part of this Act: Provided always, that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities of any Persons incorporated or authorized by any Local Act of Parliament passed before the passing of this Act, for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, or Place. 25

Offensive Trades newly established to be subject to the Regulation of Commissioners.

L. The Business of a Blood-boiler, Bone-boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place within the Town, without the Consent of the Commissioners; 30 and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of Twenty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and the Commissioners may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof. 53

And with respect to the lighting of Towns, be it enacted as follows:

Commissioners may contract for

LI. The Commissioners may contract for any Period not exceeding Three Years at any One Time with the Owners of any Gas-works

or

- or with any other Person, for the Supply of such Gas or Oil, or other Means of lighting; and may provide such Lamps, Lamp Posts, and other Works as the Commissioners think necessary for lighting the Streets of the Town; and if the Commissioners and the
- 5 Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Town, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Price to be paid for such Supply, then such Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation Act,
- 10 1845," with respect to the Settlement of Disputed Compensation by Arbitration, shall be incorporated with this Act.

lighting Streets.

Price to be paid for Gas to be ascertained in case of Dispute.

And with respect to the Supply of Water, be it enacted as follows :

- LII. So much of "The Towns Improvement Clauses Act, 1847," as relates to the Supply of Water be incorporated with and form
- 15 Part of this Act, and the Commissioners may provide the Town with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes or any of them the Commissioners may from Time to Time contract with any Person whomsoever, or
- 20 with any Company, or purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper, including the opening of Streets from Time to Time, for the Purpose of laying down, altering, or repairing Water Pipes therein; and the Commis-
- 25 sioners may provide and keep a Supply of pure and wholesome Water, and laid on at such Pressure as will carry the same to the Top Story of the highest Dwelling House within the Town: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits, in respect of which any Waterworks
- 30 Company shall have been established, the Commissioners shall give Notice in Writing to every such Waterworks Company, or private Owner or Owners of such Waterworks, stating the Purposes for, and the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay
- 35 down any Waterworks within such Limits so long as any such Company, or Owner or Owners as aforesaid, shall lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners; and in case any Difference shall arise as to whether the Water which any such Company, or Owner or Owners
- 40 as aforesaid, are willing to supply is proper and sufficient for the Purposes for which it is required, or whether the Purposes for which it is required are reasonable, the same shall be settled on an Appeal in manner aforesaid (but without any Recognizance) by either Party to the Assistant Barrister, whose Decision shall be final.

Incorporation Clause.

Commissioners may provide sufficient Supplies of Water, and may erect Waterworks, &c.

In case of Waterworks constructed by Commissioners, the Water may be kept constantly under Pressure.

Commissioners not to construct Waterworks, &c. if any Waterworks Company within the Town be able and willing to supply Water upon Terms.

Service
Pipes to be
laid by
Owners.

LIII. Where the Commissioners are able and willing to supply the Houses or Tenements within the Town with Water for domestic and ordinary Purposes, the Owners of such Houses and Tenements shall be entitled to obtain such Supply by connecting a Service Pipe with the Main Pipes to be laid down by the Commissioners, the Expense 5 of such Service Pipes and of connecting the same with the Main Pipes being defrayed by such Owners; and where the Houses and Tenements generally in any Street or Place within the Town shall be supplied with Water by means of such Service Pipes, it shall be competent to the Commissioners to require the Owner of any Tenement 10 in such Street or Place not so supplied to take a Supply of Water by connecting a Service Pipe with the Main Pipe as aforesaid; and in the event of Refusal or Delay on the Part of such Owner to comply with such Requisition, it shall be lawful for the Commissioners to enter upon such Houses or Premises, and proceed to lay down such Service 15 Pipes themselves, and to recover the Expense thereof from such Owner in the same Manner as Damages; and no Person within the Town shall be entitled, without special Agreement with the Commissioners, to use the Water supplied through the Pipes of the Commissioners, except for domestic and ordinary Purposes; but 20 where there is a Supply of Water more than is required for such domestic and ordinary Purposes within the Town, it shall be lawful for the Commissioners to Contract with any Person or Persons within the Town to supply any Public Baths and Wash-houses, Works, Manufactories, or other Premises within the Town with Water, at 25 such Rate and upon such Terms and Conditions as may be agreed on; or in the event of Disagreement, either as to the Ability of the Commissioners to give the Supply, or as to the Rate, Terms, or Conditions on or in respect of which the Supply is to be given, the same shall be fixed on an Appeal in manner aforesaid (but without any 30 Recognizance) by either of the Parties to the Assistant Barrister, whose Decision shall be final; and it shall be lawful for the Commissioners to make Byelaws regulating all or any Matters and Things whatsoever connected with the Water to be supplied within the Town through their Pipes. 35

Water to be
used only for
domestic and
ordinary
Purposes,
unless by
Agreement
with the
Commis-
sioners.

Commis-
sioners may
make Bye-
laws in re-
ference to
Water.

Penalty for
injuring
Waterworks,
diverting
Streams,
or wasting
Water.

LIV. Whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste-pipe, or Waterworks belonging to or under the Management or Control of the Commissioners, or shall unlawfully divert or take Water from any Waterworks belonging to or under the Control of the Commissioners, or from any Waters by which such 40 Waterworks are supplied, or shall wilfully or negligently waste any Water with which he is supplied by the Commissioners, shall for every such Offence forfeit a Sum not exceeding Two Pounds and a further Penalty of Ten Shillings for each Day whilst the Offence is continued after

after written Notice in that Behalf, which Penalties shall be paid to the Commissioners ; and whosoever shall bathe in any Stream, Reservoir, or other Waterworks belonging to or under the Control of the Commissioners, or shall wash, throw, or cause to enter therein
5 any Animal, Rubbish, or Thing of any kind, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the Commissioners or under their Management or Control, shall be
10 fouled, shall for every such Offence forfeit a Sum not exceeding Two Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf, which Penalties shall be paid to the Commissioners ; and whosoever, being Proprietor of any Gasworks, or engaged or employed in the Manu-
15 facture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, or Waterworks belonging to or under the Management or Control of the Commissioners, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any
* 20 Act connected with the Manufacture or Supply of Gas, whereby the Water in any such Stream, Reservoir, or Waterworks is fouled, shall forfeit to the Commissioners for every such Offence the Sum of One hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Ten
25 Pounds for every Day during which the Offence is continued ; and if any Water belonging to or under the Management or Control of the Commissioners be fouled in any Manner by the Gas of any such Proprietor or Person, he shall forfeit to the Commissioners for every such Offence a Sum not exceeding Ten Pounds, and a further Sum
30 not exceeding Five Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the Commissioners in this Behalf ; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person, the Commissioners may lay open and examine
35 any Pipes, Conduits, and Works from which the Gas is supposed to escape ; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be
40 made ; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from the Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Works belong, or under whose Management or Control they may be, and be recoverable from him in the same Manner as any

Penalties on
Persons for
causing
Water in
Reservoirs
to be fouled ;

and on Pro-
prietors of
Gasworks,
&c.

Debt may be recovered by the Law of Ireland ; but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Commissioners out of the general Assessments levied under this Act, and be recoverable from them upon summary Proceeding by 5 Civil Bill or otherwise, as any Debt may be recovered by the Law of Ireland.

And with respect to Things to be done by the Commissioners by special Order only, and with respect to Clocks, and with respect to Entry by the Commissioners or their Officers in execution of this Act, 10 and with respect to ensuring the Execution of the Works by this Act required to be done by the Owners or Occupiers of Houses or Lands, be it enacted as follows :

Special
Order ;
Clocks ;
Entry of
Commis-
sioners ;
Execution of
Works.

LV. So much of " The Towns Improvement Clauses Act, 1847," as relates to Things to be done by the Commissioners by special Order 15 only, and so much thereof as relates to Clocks, and so much thereof as relates to Entry by the Commissioners or their Officers in execution of the Act, and so much thereof as relates to ensuring the Execution of Works required to be done by the Owners or Occupiers of Houses or Lands, shall be incorporated with and from Part of this Act. 20

CLAUSE D.
Incorporation
Clause.

And with respect to Cemeteries, be it enacted :

LVI. That " The Cemeteries Clauses of 1847," shall be incorporated with and read as Part of this Act.

Regulations
as to Gun-
powder.

And with respect to the Sale of Gunpowder, be it enacted as follows : 25

LVII. No Gunpowder shall be sold within the Town by Candle or other artificial Light, under a Penalty not exceeding One Pound for each Offence ; and no Person shall keep at any Time more than Ten Pounds Weight of Gunpowder, except by special Permission of the Commissioners, signed by the Chairman and Two of the said Com- 30 missioners, and under such Regulations for its safe Custody as they may approve and determine, under a Penalty for the First Offence of any Sum not exceeding One Pound, for the Second Offence not exceeding Three Pounds, and for the Third or any subsequent Offence not exceeding Five Pounds, besides Forfeiture of all the Gunpowder 35 which shall be found exceeding the aforesaid Weight ; and the aforesaid Quantity of Gunpowder allowed to be kept as aforesaid shall be deposited in a Place separate from all other Goods and Commodities, and shall be secured by Lock and Key, under a Penalty not exceeding One Pound to be paid for each Offence by the Occupier of the Pre- 40 mises

mises in which such Quantity not so kept and secured as aforesaid shall be found: Provided always that nothing herein contained shall apply to any Quantity of Gunpowder provided for Military or Constabulary Purposes.

5 And with respect to the Byelaws to be made by virtue of this Act, be it enacted as follows:

LVIII. So much of "The Towns Improvement Clauses Act, 1847," and of "The Commissioners Clauses Act, 1847," as relates to the Byelaws to be made by virtue of said Acts, shall, save as
10 next herein provided, be incorporated with and from Part of this Act: Provided that no Byelaw made by the Commissioners under the Authority of this Act shall come into operation until the same be confirmed by the Lord Lieutenant, who is hereby empowered to inquire into any Byelaws tendered for that Purpose, and to allow or
15 disallow of the same as he may think meet; provided also, that no such Byelaws be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Town (if any), or otherwise in some Newspaper circulating in the County in which the Town is situated,
20 One Month at least before the making of such Application; and any Person desiring to Object to any such Byelaw, on giving to the Commissioners Notice of the nature of his Objection Ten Days before the making of the Application for the Allowance thereof, may transmit to the Lord Lieutenant a Memorial containing the Grounds of
25 such Objection; and if such Byelaws should be thereupon confirmed, in the whole or in part, the Order for such Confirmation, in the whole or in part, shall be signed under the Hand of the Chief or Under Secretary of the Lord Lieutenant, of which Order a Copy shall be published in One or more such Newspapers as aforesaid.

Byelaws to be confirmed.
Notice of Confirmation to be given.

30 And with respect to the Contracts to be entered into, and the Deeds to be executed by the Commissioners, be it enacted as follows:

LIX. So much of "The Commissioners Clauses Act, 1847," as relates to the Contracts to be entered into, and the Deeds to be executed by the Commissioners shall be incorporated with and form
35 Part of this Act.

Incorporation Clause; Contracts.

And with respect to the Appointment and Accountability of the Officers of the Commissioners, other than those herein-before provided for, be it enacted as follows:

LX. So much of "The Commissioners Clauses Act, 1847," as relates to the Appointment and Accountability of the Officers of the
40 [58.] C 4 Commis- Clerk, Treasurer, Collector, &c.

How Drafts
to be drawn.

Commissioners, save as herein next provided, shall be incorporated with and form Part of this Act: Provided that the Commissioners shall in all cases appoint some Bank or Banking Company to act as their Treasurer, and that it shall not be necessary to require from such Bank or Banking Company any Security for the due Execution of such Office as required by said Act; provided also, that the Drafts to be drawn on said Bank on account of said Commissioners shall be drawn at a Meeting of the Commissioners, and there signed by the Chairman of the Meeting and by Two other Commissioners, and no Drafts on the said Account shall be drawn for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the said Treasurer by the Clerk to the Commissioners, who shall countersign all such Drafts.

15

And with respect to General Assessments under this Act, be it enacted as follows:

Commissioners to make Assessment for the Purposes of this Act.

LXI. Once in each Year the Commissioners shall assess all Occupiers of Premises within the Town rated in respect of such Premises under the Acts for the Relief of the Destitute Poor in the Sums necessary to be levied for the Purposes of this Act, other than by way of Private or District Assessments, and shall fix a Day, not being less than One Month from the Date of laying on such Assessment, on which the same shall be payable; and the Rate of Assessment, and Day so fixed by the Commissioners, shall be published by Handbills posted in the Town, and by Advertisement in any Newspaper or Newspapers published therein (if any), or otherwise in some Newspaper or Newspapers published nearest to such City or Town: Provided that such Assessment other than Private and District Assessments shall not in any Year exceed the Rate of One Shilling and Sixpence in the Pound where the Enactments of this Act with respect to Water have been adopted, or the Rate of One Shilling in the Pound where such Enactments with respect to Water have not been adopted.

Assessment Book to be made up, and Objections how to be entered and disposed of by the Commissioners.

LXII. The Clerk of the Union shall, on the Requisition of the Commissioners, produce the Rate Book of the Union, and the said Commissioners shall annually cause to be made up a Book of Assessment, to be signed by the Chairman and Two others of the Commissioners, showing the net annual Value of the whole Premises in the Town under the Poor Law Valuation liable to be assessed under this Act, and according to which the Assessments under this Act are intended to be levied; and such Book of Assessment shall be open to Inspection by all Ratepayers, in the Hands of the Clerk; and

40

and the Commissioners shall have Power to rectify or alter any Mistake or Error, upon the ground of any improper Variance from the last Assessment for Poor Rates, or on the ground of any Change of Occupation of Premises since such last Assessment for Poor Rates;

- 5 and in each Year a Copy of the said Book of Assessment, as finally adjusted by the Commissioners, signed by the Chairman and Two Commissioners, and countersigned by the Clerk, shall be delivered over to the Collector, as the Rule for levying and collecting the annual Assessment under this Act.

Copy of Assessment Book to be given to Collector.

- 10 LXIII. For the Purpose of any Rate to be made or levied under the Provisions of this Act or of any Act incorporated herewith, all Lands covered with Water and used as a Canal, and any Towing-path to the same, and all Lands used as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be
15 assessed and liable in the Proportion of One Fourth Part only of the net annual Value of such Lands respectively.

CLAUSE E.
Rating of
Railways
and Canals.

- LXIV. If any Person so rated and assessed as aforesaid shall refuse or neglect to pay the Assessment charged upon him for the Space of Ten Days next after the same shall be due and demanded by the
20 Collector, it shall be lawful for the Collector to levy the same by Distress and Sale of any Goods and Chattels of such Person which may be found either on the Premises chargeable, or on any Premises within the Town rented or possessed by the Person so assessed, rendering to the Owner of such Goods and Chattels the Overplus (if any)
25 after deducting the Expenses of distraining, not exceeding Twelve Pence in the Pound on the Sum for which such Distress may have been made; or in case the Collector shall not think it expedient to proceed by Distress, then it shall be lawful for him to leave at the Dwelling House of the Party chargeable for or in respect of such Premises a
30 Notice, bearing Date the Day and Year of serving the same, subscribed with the Name and Abode of such Collector, requiring Payment of the Sum apportioned within Ten Days from the Date of such Notice, and expressing that within Ten Days the Money demanded may be paid to the Collector at his House or Office; and if such
35 Money be not so paid within such Time, then it shall be lawful for such Collector to prefer a Complaint to any Justice of the Peace having Jurisdiction in such Town, and such Justice shall summon the Party so complained against to appear before him, or any other Justice of the Peace sitting in Petty Sessions, and answer the said
40 Complaint, and shall, at the Time specified in such Summons, examine into the Matter of such Complaint on Oath, and shall direct the Payment to such Collector of such Money as he shall find due and payable under such Assessment by the Party complained against,

Assessment may be levied by Distress and Sale, or upon a Complaint to be made to a Justice, who shall summon the Party.

In default of
Appearance,
Goods of
Party may
be distrained.

Power to
proceed by
Action or
Suit.

together with a Sum certain for such reasonable Costs and Charges as to such Justice shall seem meet; and in default of the Appearance of such Party, or upon his or her Refusal or neglect forthwith to pay the Sum or Sums so by such Justice directed to be paid, it shall and may be lawful for such Justice, or for any Justice of the Peace having Jurisdiction in such Town, to issue his Warrant authorizing and empowering the said Collector to levy the Money thereby ordered to be paid, by Distress and Sale of any Goods or Chattels of the Party so complained against, which may be found within the Town, rendering the Overplus (if any) to him or her, the necessary Charges and Expenses of distraining being thereout first deducted, as directed by such Justice; and the Collector shall be bound to preserve the Warrants of such Seizures or Sales, and enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessment due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested for Three Months after the Date of each Sale respectively; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to any such Justice of anything done unjustly or oppressively in regard of such Seizure or Sale, such Complaints being made in the Form of Petitions subscribed by the Complainer, and the Decision of such Justice shall be final; or otherwise the Collector shall be and he is hereby authorized and empowered to sue for and recover all or any Part of such Assessment in arrear by Personal Action or by Suit before the Civil Bill Court of the Assistant Barrister having Jurisdiction in that Behalf as to such Town, or otherwise, according to Law; and no Misnomer, Mistake, or Informality committed in any Proceedings for recovery of any Assessment under this Act shall prejudice the recovery of such Assessment and Expenses, nor shall such Proceedings abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Commissioners, but it shall be lawful for the Collector for the Time to prosecute and follow forth Proceedings commenced and carried on in the Name of any previous Collector in all respects as if such Proceedings had been taken by himself: Provided always, that it shall not be competent for any Person to sue, nor for any Court of Law to entertain, any Action or Proceeding against the Commissioners, or the Collector or Officers or other Persons employed in Executing any Warrant in reference to any Assessment under this Act, by reason of any Mistake, Informality, or Misnomer, if the Goods or other Effects seized or sold under such Warrant were bonâ fide the Property or in the lawful Possession of the Person actually liable to payment of such Assessment under the Provisions of this Act.

LXV. Whenever the net annual Value of the rateable Hereditaments in any such Town actually occupied by any Person or Persons shall not exceed Four Pounds the Assessment under this Act in respect of such Property shall be made on the immediate Lessor or Lessors of such Person or Persons; and if at the Time of making any such Assessment the Name of the immediate Lessor be not accurately known to the Persons making the Assessment, it shall be sufficient to describe him therein as "the Immediate Lessor," with or without any Name or further Addition, and such Assessment shall be held to be duly made on him by such Description, and shall be recoverable from him accordingly, notwithstanding any Error or Defect in his Name or Description, or the entire Omission of his Name therein.

Immediate Lessors of Property of less Value than 4*l.*, to be assessed for the same.

LXVI. Any Assessment made as aforesaid on any Lessor shall be recovered from him by Personal Action in the Name of the Clerk of the Commissioners, and by their Direction against such Lessor in any of the Superior Courts of Record in Dublin, or by Civil Bill in the Court of proper Jurisdiction, or where such Lessor resides within such Town the Collector may leave at the Dwelling House of such Lessor such a Notice as herein-before provided requiring Payment of the Assessment within Ten Days; and if such Assessment be not paid within such Time, the same may be recovered upon a Complaint before a Justice, and by Distress and Sale, under the Warrant of a Justice, of the Goods of such Lessor, in manner herein-before provided as to Assessments; and if a sufficient Distress of the Goods and Chattels of such Lessor cannot be found within such Town, then on Oath thereof made before any Justice of the Peace of any County in which any of the Goods and Chattels of such Lessor may be found, the Goods or Chattels of such Lessor shall be subject and liable to such Distress and Sale in such County where the same may be found, and may by virtue of such Warrant be distrained and sold in the same Manner as if the same had been found within such Town; and if such Assessment be not paid by such Lessor within Four Months after the making thereof, it shall be lawful for the Collector, by Direction of the Commissioners, to give a Notice in Writing as aforesaid to the Occupier or respective Occupiers for the Time being of any such Property, to pay the Assessment due in respect of the Property in his or their Occupation; and after the Expiration of One Calendar Month from the Time of giving such Notice it shall be lawful to recover such last-mentioned Assessment from every such Occupier, or, in his Default, from any subsequent Occupier of the Premises; and every such Occupier so paying such Assessment may deduct from the Rent he may be then or next thereafter liable to pay in respect of any such Property the whole of any such Assessment he may have paid in respect of the same Property; and if Rent

Recovery of Assessment from Lessors by Action or Civil Bill, or by Warrant of Distress.

If Assessment be not paid by the Lessor, it may be recovered from the Occupier, who may deduct it from Rent.

sufficient to cover such Assessment be not then or do not thereafter become due from such Occupier, he shall be entitled to recover the same from such Lessor by Civil Bill; and save as herein-before in that Behalf provided, and save as to the Provisions for a special Valuation of Premises in case the Poors Rate should, in the Judgment 5 of the Commissioners, be an unfair Criterion by which the Rates should be made, so much of "The Towns Improvement Clauses Act, 1847," as relates to the Manner of making Rates, shall be incorporated with and form Part of this Act.

And with respect to Private and District Assessments for Sewers, 10 Drains, and Private Improvements, be it enacted as follows :

Private As-
sessment.

LXVII. So much of "The Towns Improvement Clauses Act, 1847," as relates to Rates directed to be made for Sewers, Drains, and Private Improvements shall be incorporated with and form Part of this Act; and the said Commissioners shall cause to be made up a 15 Book of Assessment applicable thereto, and the same or a Copy thereof, signed by the Chairman and any Two of the Commissioners, shall forthwith be delivered over to the Collector as the Rule for levy- ing and collecting the said Assessments; and thereupon the several Provisions of this Act in reference to the Recovery of any other 20 Assessments by this Act authorized shall apply to and be available for the Recovery of such Private and District Assessments.

Recovery
thereof.

And with respect to the Appeal to be made against any Assessment, be it enacted as follows:

How Objec-
tions to be
entered and
disposed of.

LXVIII. The Commissioners shall appoint a Day on which every 25 Assessment shall be payable, and another Day on which Objections by any Parties complaining that they have been improperly assessed may be lodged with the Clerk, and another Day or Days, at an In- terval of One Week at the least respectively, on which Objections in reference to such Assessment shall be heard by the Commissioners; 30 and Notice to each Party intended to be so assessed, stating the Particulars of the intended Assessment as regards such Party, and specifying the several Days fixed by the Commissioners as aforesaid, shall be sent by the Clerk through the Post Office at least Two Weeks pre- ceding the Day which may be fixed for hearing the Objection of 35 Parties; and the Commissioners may rectify or alter any Assessment as regards any Person assessed or liable to be assessed therefor, by whom an Objection may be taken by Letter to the Clerk, lodged with him on or before such Day for lodging Objections as the Commis- sioners shall have fixed as aforesaid: Provided that it shall be lawful 40 for any Person considering himself aggrieved by any Assessment to appeal from the Decision of the Commissioners to the Assistant Barrister

Barrister at the General or Quarter Sessions for the Division, who shall hear and determine such Appeal, and make such Order thereupon, and as to the Costs thereof as shall be just, and such Determination upon such Appeal shall be final.

- 5 And with respect to the Accounts to be kept by the Commissioners, be it enacted as follows :

LXIX. So much of "The Commissioners Clauses Act, 1847," as relates to the Accounts to be kept by the Commissioners, shall be incorporated with and form Part of this Act; provided that the Appeal
10 thereby directed shall, in Towns adopting the Provisions of this Act, be brought before the Court of the Assistant Barrister who shall hear and determine the same, and make such Order in respect thereof, and of the Costs thereby incurred, as shall be just, and such Determination shall be final.

- 15 And with respect to the borrowing of Money for the Purposes of this Act, be it enacted as follows :

LXX. It shall be lawful for the Commissioners to borrow, for the Purpose of procuring or erecting a Slaughter-house, or for erecting Lamps, or for constructing Common Sewers, or for procuring or
20 supplying Water or Gas, or Fire Engines, or for any of the Purposes authorized by this Act, such Sums and at such Times as the Commissioners shall deem necessary for such Purposes; provided that in all Cases where it shall be necessary to borrow any Sum or Sums for the Purposes of this Act it shall be lawful for the Com-
25 missioners, and they are hereby required, at their First Annual Meeting for Assessment after such borrowing, to assess all Persons within the Town liable in Assessment under this Act, in such additional Assessment as will produce a Fund equal to Five per Centum per Annum upon the Sum or Sums so borrowed, and also to the
30 annual Interest of such borrowed Sum or Sums, which Sum of Five per Centum per Annum the Commissioners shall annually appropriate and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds, or in the Stock of the Governor and Company of the Bank of England or Ireland, as a Sinking Fund, ap-
35 plicable and to be applied by the Commissioners to the Repayment of the Money borrowed, until the Debt shall be extinguished; provided that such additional Assessment shall at no Time increase the whole Assessment leviable beyond the maximum Rate of Assessment, as the Case may be, allowed by this Act; and provided also, that no Sum of
40 Money shall be borrowed until an Estimate of the Amount required shall have been laid before the Commissioners, and until the Expiration of Six Weeks after public Notice shall have been given by the Commissioners of the Amount so proposed to be borrowed, and the

Power to Commissioners to borrow Money for the Purposes of this Act, but not beyond the fixed Rate of Assessment.

Purpose to which the same is to be applied, in some Newspaper in Circulation within such Town; and provided also, that the Proposal to borrow shall be disposed of at the next Meeting of the Commissioners Six Weeks after such public Notice, and that the Sum borrowed shall not exceed the Amount so advertised without a further Estimate and 5 Notice in manner above provided; and no Commissioner or Officer acting under them shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as herein-before provided; and 10 save as above provided, so much of "The Commissioners Clauses Act, 1847," as relates to Mortgages to be executed by the Commissioners shall be incorporated with and form Part of this Act.

And with respect to the Regulation of Towns, and to Obstructions and Nuisances in the Streets, and to the Suppression of Vagrants and 15 Beggars, be it enacted as follows :

Power to prevent Obstructions in the Streets during public Processions, &c.

LXXI. The Commissioners may from Time to Time make Orders for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets of the Town in all Times of public Processions, Rejoicings, or Illuminations, and 20 in any Case when the Streets are thronged or liable to be obstructed, and may also give Directions to the Constables and Officers of the Constabulary Force for keeping Order and preventing any Obstruction of the Streets in the Neighbourhood of Theatres and other Places of public Resort; and every wilful Breach of any such Order shall be 25 deemed an Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings.

Power to impound stray Cattle.

LXXII. If any Cattle be at any Time found at large in any Street of the Town without any Person having the Charge thereof, any 30 Constable or Officer of Constabulary, or any Person residing within the Town, may seize and impound such Cattle, and may detain the same until the Owner thereof pay to the Commissioners a Penalty not exceeding Twenty Shillings besides the reasonable Expenses of impounding and keeping such Cattle; and if the said Penalty and 35 Expenses be not paid within Three Days after such impounding, the Person appointed by the Commissioners for that Purpose may proceed to sell such Cattle, or cause the same to be sold; but previous to such Sale, then Three Days Notice of such intended Sale shall be given by posting such Notice on the Constabulary Barrack, Pound, and other 40 Place (if any) which may be appointed by the Commissioners for that Purpose, and the Money arising from such Sale, after deducting the said Sums, and the Expenses aforesaid, and all other Expenses attending

Power to sell stray Cattle for Penalty and Expenses.

ing the impounding, keeping, and Sale of any such Cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle so sold.

LXXIII. Every Person who in any Street, to the Obstruction, 5 Annoyance, or Danger of the Residents or Passengers, commits any of the following Offences, shall be liable to a Penalty for each Offence as herein-after mentioned, or, in the Discretion of any Justice or Justices having Jurisdiction in such Town before whom he is convicted, may be committed to Prison, there to remain for a Period not 10 exceeding Fourteen Days; and any Constable or other Officer appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before a Justice or Justices, any Person who within his View commits any such Offence; (that is to say,)

Penalty on
Persons com-
mitting any
of the Of-
fences herein
named.

Every Person who exposes for Show, Hire, or Sale (except in a 15 Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal; or exhibits in a Caravan or otherwise any Show or Public Entertainment; or shoes, bleeds, or farries any Horse or Animals (except in Cases of Accident); or cleans, dresses, trains, or breaks or turns loose any Horse 20 or Animal; or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary), shall be liable to a Fine not exceeding Ten Shillings:

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, 25 worry, or put in fear any Person or Animal, shall be liable to a Fine not exceeding Ten Shillings:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Ground for believing it to be in a rapid State, or to have been bitten by any Dog or other Animal 30 in a rapid State, shall be liable to a Fine not exceeding Forty Shillings:

Every Person who, after public Notice given by any Justice or Justices at Petty Sessions, or Chief Magistrate, directing Dogs to be confined on account of Suspicion of canine Madness, suffers 35 any Dog to be at large during the Time specified in such Notice, shall be liable to a Fine not exceeding Forty Shillings:

Every Person who slaughters or dresses any Cattle, or any Part thereof, except in the Case of any Cattle over-driven which may have met with any Accident, and which for the public Safety or other 40 reasonable Cause ought to be killed on the Spot, shall be liable to a Fine not exceeding Ten Shillings:

Every Person having the care of any Waggon, Cart, or Carriage, who rides on the Shafts thereof; or who, without having Reins,

and holding the same, rides upon such Waggon, Cart, or Carriage, or on any Animal drawing the same ; or who is at such a Distance from such Waggon, Cart, or Carriage as not to have due Control over every Animal drawing the same ; or who does not, in meeting any other Carriage, keep his Waggon, Cart, or Carriage 5 to the left or near Side, or who in passing any other Carriage does not keep his Waggon, Cart, or Carriage on the right or off Side of the Road (except in Cases of actual Necessity, or some sufficient reason for Deviation) ; or who, by obstructing the Street, wilfully prevents any Person or Carriage from passing him, or 10 any Waggon, Cart, or Carriage under his Care, shall be liable to a Fine not exceeding Ten Shillings :

Every Person who at One Time drives more than Two Carts or Waggons, and every Person driving Two Carts or Waggons who has not the Halter of the Horse in the last Cart or Waggon 15 securely fastened to the Back of the First Cart or Waggon, or has such Halter of a greater Length from such Fastening to the Horse's Head than Four Feet, shall be liable to a Fine not exceeding Ten Shillings :

Every Person who rides or drives furiously any Horse or Carriage, 20 or drives furiously any Cattle, shall be liable to a Fine not exceeding Twenty Shillings :

Every Person who causes any Public Carriage, Sledge, Truck, or Barrow, with or without Horses, or any Beast of Burden, to stand longer than is necessary for loading or unloading Goods, or for 25 taking up or setting down Passengers (except Hackney Carriages, and Horses and other Beasts of Draught or Burden, standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority) ; and every Person who, by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any 30 Animal, or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare, shall be liable to a Fine not exceeding Twenty Shillings :

Every Person who causes any Tree or Timber, or Iron Beam, to 35 be drawn in or upon any Carriage, without having sufficient Means of safely guiding the same, shall be liable to a Fine not exceeding Twenty Shillings :

Every Person who leads or rides any Horse or other Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, 40 upon any Footway of any Street, or fastens any Horse or other Animal so that it stands across or upon any Footway, shall be liable to a Fine not exceeding Twenty Shillings :

Every Person who places or leaves any Furniture, Goods, Wares, or Merchandise, or any Cask, Tub, Basket, Pail, or Bucket, 45
or

- or places or uses any Standing-place, Stool, Bench, Stall, or Showboard on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over and along any such Footway, unless such Blind, Shade, Covering, Awning, or other
5 Projection is Eight Feet in Height at least in every Part thereof from the Ground, shall be liable to a Fine not exceeding Twenty Shillings :
- Every Person who places, hangs up, or otherwise exposes to Sale any Goods, Wares, Merchandise, Matter, or Thing whatsoever,
10 so that the same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway, shall be liable to a Fine not exceeding Twenty Shillings :
- 15 Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway, shall be liable to a Fine not exceeding Twenty Shillings :
- 20 Every Person who places any Line, Cord, or Pole across any Street, or hangs or places any Clothes thereon, shall be liable to a Fine not exceeding Twenty Shillings :
- Every common Prostitute or Nightwalker loitering and importuning Passengers for the Purpose of Prostitution, shall be liable to a
25 Fine not exceeding Forty Shillings :
- Every Person who wilfully and indecently exposes his Person, shall be liable to a Fine not exceeding Forty Shillings :
- Every Person who publicly offers for Sale or Distribution, or exhibits to Public View, any profane, indecent, or obscene Book,
30 Paper, Print, Drawing, Painting, or Representation, or sings any profane or obscene Song or Ballad, shall be liable to a Fine not exceeding Forty Shillings :
- Every Person who wantonly discharges any Fire-arm, or throws or discharges any Stone or other Missile, or makes any Bonfire,
35 or throws or sets fire to any Firework, shall be liable to a Fine not exceeding Ten Shillings :
- Every Person who wilfully and wantonly disturbs any Inhabitant, by pulling or ringing any Door Bell, or knocking at any Door, or who wilfully and unlawfully extinguishes the Light of any
40 Lamp, shall be liable to a Fine not exceeding Forty Shillings :
- Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow, shall be liable to a Fine not exceeding Ten Shillings :
- 45 Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone,

or slacks, sifts, or screens any Lime, shall be liable to a Fine not exceeding Ten Shillings :

Every Person who throws or lays down any Stones; Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except building Materials so enclosed as to prevent Mischief to Passengers), shall be liable to a Fine not exceeding Ten Shillings :

Every Person who beats or shakes any Carpet, Rug, or Mat (except Rugs or Mats beaten or shaken before the Hour of Nine in the Morning), shall be liable to a Fine not exceeding Ten Shillings :

Every Person who fixes or places any Flower Pot or Box, or other heavy Article, in any upper Window, without sufficiently guarding the same against being blown down, shall be liable to a Fine not exceeding Ten Shillings :

Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger, shall be liable to a Fine not exceeding Ten Shillings :

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail; or leaves defective the Door, Window, or other covering of any Vault, Area, or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open; or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto, shall be liable to a Fine not exceeding Ten Shillings :

Every Person who throws or lays any Dirt, Dung, Litter or Ashes, or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, on any Street, or Sea Beach, or Strand within the Boundaries of a Town, or causes any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Street : Provided always that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost, to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases, shall be liable to a Fine not exceeding Ten Shillings :

Penalty on
drunken
Persons, &c.,
guilty of
riotous and
indecent
Behaviour.

Every Person who keeps any Pigstye to the Front of any Street, not being shut out from such Street by a sufficient Wall or Fence, or who keeps any Swine in or near any Street, so as to be a common Nuisance ; and every Person drunk in any Street and guilty of any riotous or indecent Behaviour in any Police Office or Petty Sessions Court, or any Police Station House within the Town, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of

the

the Justice or Justices before whom he is convicted, to Imprisonment for a Period not exceeding Seven Days.

And with respect to the Suppression of Vagrants and Beggars, be it enacted as follows :

5 LXXIV. It shall be lawful for any Constable to apprehend and bring before the Magistrate all Persons found begging, and all Persons conducting themselves as Vagrants, having no fixed Place of Residence and no lawful Means of gaining their Livelihood within the Town; and such Persons upon Conviction shall be liable to be
 10 imprisoned for any Period not exceeding Thirty Days, and if any Money be found on their Persons, such Money may be applied towards their Maintenance while in Prison.

Vagrants and Beggars to be apprehended and, on Conviction, imprisoned.

LXXV. It shall be lawful for any Constable to apprehend and bring before the Magistrate all young Persons found begging, or sent,
 15 or suffered to go out for that Purpose within the Town, and also the Parents of such young Persons, or other Relations to whose Control they are subjected, by whom they have been so sent out or suffered to go out, and also any other Persons by whom such young Persons have been so sent out; and on the Complaint being established
 20 that such young Persons have been sent out or suffered to go out for that Purpose by their Parents or either of them, or by any other Relation to whose Control they are subject, or have been sent out for that Purpose by any other Persons, it shall be lawful for the Magistrate to punish such Parent, Relation, or other Person as a Vagrant or
 25 disorderly Person by Imprisonment for a Period not exceeding Thirty Days.

Procedure as to Persons sending out Children to beg.

LXXVI. It shall be lawful for any Constable to apprehend and bring before the Magistrate all such Beggars, Vagrants, and idle poor Persons, Men, Women, or Children strolling, or wandering, or seeking Relief, or
 30 found lying in any Outhouse, Stair, Close, or Area, or other Place within the Town; and it shall be lawful for the Magistrate to direct and cause all such Persons as he may not at the Time convict of Begging and Vagrancy, as herein-before provided, to be handed over to the proper Relieving Officer of the Union within which such Persons
 35 shall have been found, in order that their Claims as Paupers may be investigated and disposed of according to Law.

Beggars and Vagrants to be handed over to Poor Law Authorities.

And with respect to Regulations as to Fires, be it enacted as follows :

LXXVII. Every Person who wilfully sets or causes to be set on
 40 fire any Chimney within the Town, shall be liable to a Penalty not exceeding
 [58.] E 2 exceeding

Penalty for wilfully setting Chimneys on fire.

Penalty for
accidentally
allowing
Chimneys to
catch on fire.

exceeding Five Pounds: Provided that nothing herein contained shall exempt the Person so setting or causing to be set on fire any Chimney from liability to be prosecuted therefor before any Criminal Court; and if any Chimney within the Town accidentally catch or be on fire, the Person occupying or using the Premises shall be liable to a Penalty 5 not exceeding Ten Shillings: Provided that such Forfeiture shall not be incurred if such Person prove to the Satisfaction of the Magistrate before whom the Case is heard that such Fire was in nowise owing to Omission, Neglect, or Carelessness of himself or Servant.

Fire Engines
may be pro-
vided and
Firemen em-
ployed by the
Commis-
sioners.

LXXVIII. The Commissioners may provide such Engines for extin- 10
guishing Fire, and such Appurtenances for such Engines, and such Fire
Escapes and other Implements for Safety or Use, in case of fire, and
keep or hire such Horses for drawing such Engines as they think fit,
and employ a proper Number of Persons to act as Firemen, and make
such Rules for their Regulation as they think proper, and give such 15
Firemen and other Persons such Salaries and such Rewards for their
Exertions in cases of fire as they think fit; and the Commissioners
may send such Engines, and the said Firemen, beyond the Boundaries
of the Town, for extinguishing Fire in the Neighbourhood of the
Town, and the Owner of the Premises shall in such Case defray the 20
actual Expense which may be thereby incurred, and shall also pay to
the Commissioners a reasonable Charge for the Use of such Engines,
and for the Attendance of such Firemen; and the Amount of the said
Expenses and Charges, as well as the Propriety of sending the said
Engines and Firemen as aforesaid for extinguishing such Fire (if the 25
Propriety thereof be disputed), shall be determined by the Justices at
Petty Sessions, whose Decision shall be final; and the Amount of the
said Expenses and Charges shall be recovered by the Commissioners
as Damages

Fire Police
permitted to
go beyond
the Limits of
the Town
in certain
Cases.

And with respect to Places of public Resort, be it enacted as 30
follows:

Penalty on
Vicuallers
entertaining
Constables
while on
Duty.

LXXIX. Every Victualler, or Keeper of any Public House, or
Person licensed to sell fermented or distilled Liquors by Retail, to be
drunk or consumed on the Premises, within the Town, who harbours or
entertains in his Public House or Place wherein he carries on his Busi- 35
ness any Constable during any Part of the Time for his being on
Duty, unless for the Purpose of quelling any Disturbance or restoring
Order, shall for every such Offence be liable to a Penalty not exceed-
ing Twenty Shillings; and every Person keeping any Place of public
Resort within the Town for the Sale or Consumption of Refreshments 40
of any kind, who knowingly suffers common Prostitutes or reputed
Thieves to assemble and continue in his Premises, shall for every such
Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for
harbouring
disorderly
Persons.

LXXX. Every

LXXX. Every Person who within the Town keeps or acts in the Management of any House or Place for the Purpose of fighting, baiting, or worrying any Animals, shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Magistrate before whom he is convicted, to Imprisonment, with or without Hard Labour, for a Time not exceeding One Month; and the Commissioners may, by Order in Writing, authorize the Officer of Police, with such Constables as he thinks necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not exceeding Five Shillings; and a Conviction for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any penal Consequence to which he is liable for the Nuisance thereby occasioned.

Penalty on Persons keeping Places for baiting Animals; and on Persons found therein.

LXXXI. And be it enacted, That all Thimblers, loaded Dice Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements or Articles in order to induce or who shall induce any Person to play at any Game of Hazard, or who by any fraudulent Art or Device shall cozen, cheat, or attempt to cozen or cheat any Person, may be convicted before a Justice on the Testimony of One or more Witness or Witnesses; and on Conviction shall be imprisoned for any Term not exceeding Thirty Days; and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of any such Offence, and failing such Payment or Restoration may under the same Procedure be committed to or detained in Prison for any further Term not exceeding Thirty Days.

Penalty against Swindlers, &c.

And with respect to public Bathing, be it enacted as follows :⁶

LXXXII. Where any Part of the Sea Shore or Strand of any River used as a public Bathing Place is within the Town, the Commissioners may make Bylaws for the following Purposes; (that is to say,)

Bathing Machines and bathing.

For fixing the Stands of Bathing Machines on the Sea Shore or Strand, and the Limits within which Persons of each Sex shall be set down for bathing, and within which Persons shall bathe :

For regulating the Occupation of such Stands of Bathing Machines, and apportioning the same temporarily among the Owners of such Machines for the Time :

For preventing any indecent Exposure of the Persons of the Bathers :

For regulating the Manner in which and the Times at which the Bathing Machines shall be used, and the Charges to be made for the same :

For ensuring that the Bathing Machines shall be kept in a proper State of Repair : 5

For regulating the Distance at which Boats and Vessels let to hire for the Purpose of sailing or rowing for Pleasure shall be kept from Persons bathing within such prescribed Limits.

And with respect to Hackney Carriages, be it enacted as follows :

What to be
Hackney
Carriages.

LXXXIII. Every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within Four Miles from the Post Office of the Town, and every Carriage standing upon any Street within such Distance, having thereon any numbered Plate required by this Act to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of this Act ; and in all Proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage : Provided, that no Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered Plates required by Law to be placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act. 10 15 20

Hackney
Carriages to
be licensed.

Fee to be
paid for
Licences.

Persons ap-
plying for
Licence to
sign a Requi-
sition for
same.

LXXXIV. The Commissioners may from Time to Time licence to ply for Hire, within such prescribed Distance, such Number of Hackney Coaches or Carriages, of any Kind or Description adapted to the Carriage of Persons, as they may think fit ; and for every such Licence there shall be paid to the Clerk, or other Person appointed by them to receive the same, such Sum as the Commissioners direct, not exceeding Five Shillings : Provided that before any such Licence is granted, a Requisition for the same, in such Form as the Commissioners may provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence is applied for, and in every such Requisition shall be truly stated the Name and Surname and Place of Abode of the Person applying for such Licence and of every Proprietor or part Proprietor of such Carriage ; and any Person who, on applying for such Licence, states in such Requisition the Name of any Person who is not a Proprietor or part Proprietor of such Carriage, and also any Person who wilfully omits to specify truly in such Requisition as aforesaid the Name of any Person who is a Proprietor 30 35 40

or

or Part Proprietor of such Carriage, shall be liable to a Penalty not exceeding Five Pounds.

- LXXXV. In every such Licence shall be specified the Name and Place of Abode of every Person who is a Proprietor or part Proprietor of the Hackney Carriage in respect of which such Licence is granted, and also the Number of such Licence which shall correspond with the Number to be painted or marked on the Plates or Marks to be fixed on such Carriage, together with such other Particulars as the Commissioners think fit; and every Licence so to be granted shall be signed by Two or more of the Commissioners, and shall not include more than One Carriage so licensed, and shall be in force from One Year only from the Day and the Date of such Licence, or until the the next General Licensing Meeting, in case any General Licensing Day be appointed by the Commissioners; and every such Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver or Person attending such Carriage; and any Person may at any reasonable Time inspect such Book without Fee or Reward; and if the Proprietor or part Proprietor of any Carriage permits the same to be used as a Hackney Carriage plying for Hire within such prescribed Distance without having obtained a Licence for such Carriage, or during the Time that such Licence is suspended as herein-after provided, or if any Person be found driving, standing, or plying for Hire with any Carriage within such prescribed Distance for which such Licence ought to be, but has not been, previously obtained, or without having the Number of such Carriage openly displayed on such Carriage, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

What shall be specified in the Licence.

Licence to be in force for One Year only.

Licences to be registered.

Penalty for plying for Hire without a Licence.

- LXXXVI. So often as any Person named in any such Licence as the Proprietor or One of the Proprietors changes his Place of Abode, he shall, within Seven Days next after such Change, give Notice thereof in Writing, signed by him, to the Commissioners, specifying in such Notice his new Place of Abode; and he shall at the same Time produce such Licence at the Office of the Commissioners, who shall, by their Clerk, or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Proprietor of any Hackney Carriage, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change, or to produce such Licence in order that such Memorandum as

Notice to be given by Proprietors of Hackney Carriages of any Change of Abode.

aforesaid may be endorsed thereon, as directed by this Act, shall be liable to a Penalty not exceeding Forty Shillings.

Drivers not to act without first obtaining a Licence.

Penalty on Drivers acting without Licence.

Licences to be suspended or revoked for Misconduct.

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

Penalty for Neglect or for Refusal to carry the prescribed Number.

Penalty on Driver for refusing to drive.

LXXXVII. No Person shall act as Driver of any Hackney Carriage licensed in pursuance of this Act, without first obtaining a Licence from the Commissioners, which Licence shall be registered 5 by the Clerk to the Commissioners; and a Fee of One Shilling shall be paid for the same; and every such Licence shall be in force until the same is revoked, except during the Time that the same may be suspended as after mentioned; and if any Person acts as such Driver without having obtained such Licence, or during the Time that his 10 Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, or if the Proprietor of any Hackney Carriage employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended as herein-after provided, every such Driver and every such 15 Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding Twenty Shillings; and the Commissioners may, upon the Conviction for the Second Time of the Proprietor or Driver of any Hackney Carriage for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any Byelaw made 20 in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

LXXXVIII. No Hackney Carriage shall stand or ply for Hire within such prescribed Distance, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in Form follow- 25 ing, (that is to say), "To carry Persons," be printed on some conspicuous Place on the Outside of such Carriage, in legible Letters, so as to be clearly distinguishable from the Ground whereon the same are painted; and the Driver of any Hackney Carriage shall not be required to carry a greater Number of Persons than the Number 30 painted thereon, and if the Proprietor of any Hackney Carriage permit the same to be used, or if any Person stand or ply for Hire with such Carriage, without having the Number of Persons to be carried thereby painted in manner aforesaid, or if the Driver of any Hackney Carriage refuse, when required by the Hirer thereof, to carry in or by such 35 Hackney Carriage such Number of Persons, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding Forty Shillings; and any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages, or in any Street, who refuses or neglects, without reasonable Excuse, to drive such Car- 40 riage to any Place within such prescribed Distance, or any Distance to be appointed by any Byelaw of the Commissioners, to which he is directed

directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

- LXXXIX. If the Proprietor or Driver of any Hackney Carriage
- 5 agree beforehand with any Person to take for any Job a Sum less than the Fare allowed by this Act, or any Byelaw made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if he exact or demand for such Job more than the Fare so agreed upon; and no Agreement whatever made with the Driver, or
- 10 with any Person having the Care of any Hackney Carriage, for the Payment of more than the Fare allowed by any Byelaw made under this Act, shall be binding on the Person making the same, and any such Person may, notwithstanding such Agreement, refuse to pay any Sum beyond the Fare allowed; and if any Person actually pay to
- 15 the Driver of any Hackney Carriage any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before a Justice, to recover back the Sum paid beyond the proper Fare, and moreover such Driver shall be liable to a Penalty for such Exaction not exceeding the
- 20 Sum of Forty Shillings; and in default of the Repayment by such Driver of such Excess, or of Payment of the said Penalty, the Justice shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding One Month, unless the said Excess of Fare and the said Penalty be sooner paid; and every Proprietor or Driver of
- 25 any Hackney Carriage who is convicted of taking as a Fare a greater Sum than is authorized by any Byelaw made under this Act shall be liable to a Penalty not exceeding Forty Shillings, and such Penalty may be recovered before a Justice; and in the Conviction of such Proprietor or Driver an Order may be included for Payment of the
- 30 Sum so overcharged, over and above the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in proof of such Offence.
- Penalty for demanding more than the Sum agreed for, though less than the Legal Fare.
- Agreement to pay more than the Legal Fare not to be binding.
- Sum beyond the proper Fare may be recovered back.
- Overcharge by the Hackney Coachmen, &c., to be included in Conviction, and returned to aggrieved Party.

- XC. If the Driver or any other Person having the Care of any Hackney Carriage be intoxicated while driving, or if any such
- 35 Driver or other Person by wanton and furious driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding Five Pounds, and in default of Payment thereof the Justice before whom he is convicted of such Offence may commit him to Prison, there to
- 40 remain for any Time not exceeding Two Months; and any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who
- Penalty on Drivers misbehaving.
- Improperly standing with Carriage, refusing to give way to, or

obstructing
any other
Driver, or de-
priving him
of his Fare.

Damage done
by Driver
may be reco-
vered from
the Proprie-
tor.

obstructs or hinders the Driver of any other Carriage in taking up or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding Twenty Shillings; and in every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage let to hire, the Justice before whom such Driver has been convicted may direct that the Proprietor of such Carriage shall pay such Sum not exceeding Five Pounds as appears to such Justice a reasonable Compensation for such Hurt or Damage; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver; and such Compensation shall be recoverable from such Proprietor, and by him from such Driver, as Damages.

Penalty for
leaving Car-
riages unat-
tended at
Places of
public Re-
sort.

XCI. If the Driver of any Hackney Carriage leave it in any Street, or at any Place of public Resort or Entertainment, without some one proper to take Care of it, any Constable may drive away such Hackney Carriage, and deposit it at some neighbouring Livery Stable or other Place of safe Custody; and such Driver shall be liable to a Penalty not exceeding Twenty Shillings for such Offence; and in default of Payment of the said Penalty upon Conviction, and of the Expenses of taking and keeping the said Hackney Carriage and Horse or Horses, the same, or any of them, shall be sold by Order of the Justice before whom such Conviction is made; and after deducting from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Justice as of the taking, keeping, and Sale of such Hackney Carriage, and of such Horse or Horses, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage.

Penalty for
refusing to
pay the Fare.

Penalty for
damaging
Carriages.

XCII. If any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, the Fare allowed by any Byelaw made under this Act, such Fare may, together with Costs, be recovered before a Justice as a Penalty; and any Person using any Hackney Carriage plying under a Licence granted by virtue of this Act who wilfully injures the same shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Justice before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty.

Commission-
ers may
make Bye-
laws for re-
gulating
Hackney
Carriages.

XCIII. The Commissioners may from Time to Time (subject to the Restrictions of this Act) make Byelaws for all or any of the Purposes following; (that is to say,)

for

- For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within such prescribed Distance in their several Employments, and for regulating the Conduct of the Owners and Boatmen of Boats plying for Hire, and determining whether such Drivers and Boatmen shall wear any and what Badges, and for regulating the Hours within which they may exercise their Calling :
- For regulating the Manner in which the Number of each Carriage, corresponding with the Number of its Licence, shall be displayed :
- For regulating the Number of Persons to be carried by Hackney Carriages and Boats, and in what Manner such Number is to be shown on such Carriage and Boats, and what Number of Horses or other Animals is to draw such Carriage, and the placing of Check-strings to the Carriages, and the holding of the same by the Driver, and how Hackney Carriages and Boats are to be furnished or provided :
- For fixing the Stands of Hackney Carriages, and the Distance to which they may be compelled to take Passengers, not exceeding such prescribed Distance :
- For fixing the Rates or Fares, as well for Time as Distance, to be paid for Hackney Carriages and Boats plying for Hire within such prescribed Distance, and for securing the due Publication of such Fares :
- For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages and Boats, and fixing the Charges to be made in respect thereof.

And with respect to providing Watchmen, be it enacted as follows :

- XCIV. It shall be lawful for the said Commissioners, if they shall deem it expedient (in addition to any of the Constabulary Force stationed in such Town,) to appoint Watchmen to keep watch within such Town by Night, and also upon any special Occasions by Day, as they may be required by the Commissioners or any Three of them, and to appoint and pay out of the general Assessments proper Salaries and Wages for such Watchmen, and to provide a Watch-house, and all necessary Articles for such watching, and to appoint the Times of Watch and the Stations and Duties of the several Watchmen, and to fine for Misconduct and to dismiss any such Watchmen at the Pleasure of the Commissioners; and it shall be lawful for such Watchmen to apprehend all such idle and disorderly or drunken Persons as they or any of them shall find committing any Breach of the Peace or making any improper Noise or Disturbance during the Night, or during their Watch, and to detain any such Persons till Morning, and then, or if apprehended by Day, as soon as conveniently may be, to take such Person or Persons before any Justice of the Peace for or acting in the

Commissioners may appoint Watchmen.

Powers of Watchmen.

Penalty for
harbouring
Watchmen
during the
hours of
Duty.

Borough, Town, or Place, to be dealt with according to Law ; and if any Victualler, Publican, or other Person or Persons selling Beer or Spirituous Liquors shall entertain or harbour in his, her, or their House any such Watchman during his appointed Hours of Duty, such Victualler, Publican, or other Person or Persons shall forfeit for such Offence any Sum not exceeding Twenty Shillings..

And with respect to legal Proceedings, be it enacted as follows :

Recovery of
Damages,
&c.

XCV. In all Cases in which the Amount of any Damages, Costs, and Expenses is by this Act directed to be ascertained or recovered in a summary Manner, the same may be ascertained by and recovered 10 before One or more Justices, together with such Costs of the Proceedings as the said Justice or Justices may think proper ; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made, the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of 15 the said Justice or Justices making the Adjudication ; and any Penalty imposed by or under the Authority of this Act, or any By-law made under this Act, the Recovery whereof is not otherwise expressly provided for, may, upon Proof on Oath of the Offence in respect of which the Penalty is alleged to have been incurred, be 20 recovered before One or more Justices, together with such Costs of the Proceedings as they may think proper ; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the said Justice 25 or Justices making the Adjudication ; and such Justice or Justices may order that any Offender convicted as last aforesaid be detained and kept in safe Custody until Return can be conveniently made to the last-mentioned Warrant, unless he give sufficient Security, by way of Recognizance or otherwise, for his Appearance on the Day 30 appointed by the Return, such Day not being more than Eight Days from the Time of taking the Security ; and if before issuing such Warrant, or upon the Return thereof, it appear to the Satisfaction of the last-mentioned Justice or Justices that no sufficient Distress can be had within their Jurisdiction, such Justice or Justices may, by 35 Warrant under their Hands and Seals, cause the Offender to be committed to Gaol, there to remain, without Bail, for any Term not exceeding Three Months, unless such Penalty and Costs be sooner paid.

Mode of pro-
ceeding be-
fore Justices.

XCVI. In proceeding before any Justice or Justices under the Provisions of this Act, in any Case in which the Mode of Proceeding is 40 not specially prescribed, any One Justice may summon the Party charged to appear before the Justice or Justices by whom the Matter is to be determined, at a Time and Place to be named ; and upon the Appearance

- Appearance of the Party charged, or in his Absence upon Proof of Service of the Summons upon him personally, or by leaving a Copy thereof at his last known Place of Abode or Business, the last-mentioned Justice or Justices may hear and determine the Matter, and for that Purpose examine the Parties or any of them, and their Witnesses on Oath; and the Costs of all such Proceedings shall be in the Discretion of the last-mentioned Justice or Justices; and where in this Act any Sum of Money whatsoever is directed to be levied by Distress and Sale of the Goods and Chattels of any Party, the Overplus arising from such Sale shall, after satisfying such Sum, and the Costs and Expenses of the Distress and Sale, be returned to him, on Demand; and no Distress levied under the Authority of this Act shall be unlawful, nor shall any Party making the same be a Trespasser, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other proceeding relating thereto, nor shall he be a Trespasser ab initio on account of any Irregularity afterward committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction in an Action upon the Case; and the Justices before whom any Person is convicted of any Offence against the Provisions of this Act may cause the Conviction to be drawn up according to the Form and Directions contained in the Schedule (C.) annexed to this Act, or to the like Effect; and any Conviction so drawn up shall be valid and effectual; and Justices of the Peace, being Commissioners or liable to Assessment under this Act, may, if acting in Petty Sessions, notwithstanding their being such Commissioners, exercise the Jurisdiction vested in them as such Justices under this Act. Every Person who, upon any Examination upon Oath under the Provisions of this Act, shall wilfully give false Evidence, shall be liable to Punishment for Perjury.
- Distress how to be levied; not unlawful for want of Form.
- Form of conviction.
- Justices, though Commissioners under this Act, may act under this Act.
- Penalty on Persons giving false Evidence.
- XCVII. No Proceedings for the Recovery of any Penalty incurred under the Provisions of this Act shall be taken by any Person other than by a Party grieved, or the Commissioners, without the Consent in Writing of Her Majesty's Attorney General first had and obtained; and no such Penalty shall be recovered unless proceedings for the Recovery thereof shall have been commenced with Six Calendar Months after the Commission or Occurrence of the Offence upon which the Penalty attaches; and One Half of such Penalty shall go to the Informer, and the Remainder to the Commissioners; and if the Commissioners be the Informers they shall be entitled to the whole of the Penalty recovered; and all Penalties or Sums recovered on account of any Penalty by them shall be paid over to the Treasurer, and shall be placed to the Credit of the General Assessments Fund for the Purposes of this Act; any Act or Acts to the contrary notwithstanding, and notwithstanding the Liability of any Person to any
- Common Informers not to sue without Consent of Attorney General.
- Proceedings for Penalties to be taken within Six Months.
- Application of Penalties.
- Liability to Penalty not to relieve

from other
Liabilities.

Penalty under the Provisions of this Act, he shall not be relieved from any other Liability to which he would have been subject if this Act had not been passed.

Appeal to
Quarter
Sessions.

XCVIII. Any Person who shall think himself aggrieved by any Order, Conviction, Judgment, or Determination of, or by any Matter 5 or Thing done by, any Justice or Justices, under the Provisions of this Act, in any Case in which the Penalty imposed or the Sum adjudged shall exceed the Sum of Twenty Shillings, may appeal to the Court of General or Quarter Sessions for the respective Division or Place holden next after the Accrual of the Cause of Complaint; 10 but the Appellant shall not be heard in support of the Appeal, unless within Fourteen Days after the Accrual of the Cause of Complaint he give to the Clerk of the Commissioners and to the Justice or Justices by whose Act he may think himself aggrieved Notice in Writing stating his Intention to bring such Appeal, together with a Statement 15 in Writing of the Grounds of Appeal; and the said Court, upon hearing and finally determining the Matter of the Appeal, shall and may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination shall be conclusive and binding on all Persons to all 20 Intents and Purposes whatsoever; provided that if there be not Time to give such Notice before such Sessions holden as aforesaid, then such Appeal may be made to and such Notice and Statement given for the next Sessions for the respective Division or Place at which the Appeal can be heard: Provided also, that on the Hearing of the 25 Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid.

Actions, &c.
in Name of
Clerk.

XCIX. The Commissioners may sue and be sued in the Name of the Clerk for the Time being for or concerning any Contract, Matter, or 30 Thing relating to any Property, Works, or Things vested in them by reason of the Provisions of this Act, or relating to any Matter or Thing whatsoever entered into or done by them under the Provisions of this Act; and in Proceedings by or on the Part of such Commissioners against any Person for stealing or wilfully injuring or otherwise 35 improperly dealing with any Property, Works, or Things belonging to them or under their Management, it shall be sufficient to state generally that the Property or Thing in respect of which the Proceeding is instituted is the Property of the said Clerk, and all legal Proceedings by or on the Part of or against such Commissioners under 40 this Act may be preferred, instituted, and carried on in his Name; and no Proceedings whatever shall abate or be discontinued by the Death, Resignation, or Removal of the Clerk, or by reason of any Change or Vacancy in such Commissioners, by Death, Resignation,

Mode of de-
scribing Pro-
perty of
Commission-
ers.

Actions, &c.
not to abate.
Clerk to be
reimbursed

or otherwise: Provided that the Clerk in whose Name any such Action, or Suit, Complaint, Information, or Proceeding may be brought, preferred, instituted, or defended as aforesaid, shall be fully reimbursed out of the general Assessments to be levied under this

5 Act all such Costs, Damages, and Expenses as he shall or may be or become liable to pay, sustain, or be put unto by reason of his Name being so used.

Expenses
and Costs.

C. No Writ of Summons and Plaint shall be sued out against or served upon the Commissioners or any of them, or their Clerk, or

10 other Officer or Person whomsoever acting under the Direction of the Commissioners, for anything done or intended to be done under the Provisions of this Act, until the Expiration of One Month next after Notice in Writing shall have been delivered to him, or left at their or his Office or usual Place of Abode, stating the Cause of Action, and

15 the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice be proved the Jury shall find for the Defendant;

20 and every such Action shall be brought or commenced within Six Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and it shall be a sufficient Defence for the Defendant to allege that he did what is

25 complained of under the Provisions of this Act, and to give this Act and all special Matter in Evidence thereunder; and any Person to whom any such Notice of Action is given as aforesaid may tender Amends to the Plaintiff, his Attorney or Agent, at any Time within One Month after Service of such Notice, and in case the same be

30 not accepted may plead such Tender as a Defence, and if upon Issue joined, the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinue, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly.

Notice of
Action.

Limitation of
Actions.

Venue.

General
issue.

Tender of
amends, &c.

Money may
be paid into
Court.

35 CI. No Rate nor any Proceeding to be had touching the Conviction of any Offender against this Act, nor any Order, Award, or other Matter or Thing whatsoever, made, done, or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari or

40 other Writ or Process whatsoever into any of the Superior Courts.

No Rate or
Proceeding
to be quashed
for want
of Form, &c.

CII. No Matter or Thing done or Contract entered into by the Commissioners, nor any Matter or Thing done by any Commissioner,

Persons acting in execution of Act

not to be
personally
liable.

or by any Officer or Person whomsoever acting under the Direction of the Commissioners, shall, if the Matter or Thing were done, or the Contract were entered into bonâ fide for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any 5 such Commissioner, Officer, or Person acting as last aforesaid shall be borne and repaid out of the general Assessments levied under the Authority of this Act.

Bonds, Con-
tracts, &c.,
under former
Act to be
saved;

CIII. When this Act shall be adopted in whole or in part in any Town which had previously adopted it in whole or in part, the 10 Powers and Provisions of the said Act of the Ninth Year of King George the Fourth, Chapter Eighty-two, or in any Town or Place which had previously possessed a Local Act or Acts as aforesaid, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into, and all Assessments imposed or to be imposed under and 15 by virtue of such first-mentioned Acts or of such Local Act or Acts, in so far as regards anything done under such Acts or any of of them previous to the Adoption of this Act, shall remain in full Force and Effect, and shall continue available and binding on all concerned; and nothing herein contained shall be construed to affect the 20 Debts, Rights, or Claims of any Creditor under such Local Act or Acts; and the Officers appointed under and employed on the First of January One thousand eight hundred and fifty-four, in the Execution of such first-mentioned Act and of such Local Act or Acts, shall continue to be employed under the Provisions of this Act so far as 25 possible in Offices of an analogous Nature, until they are respectively superseded or removed for Insufficiency, or for other good or sufficient Cause.

and Officers
in office to
continue un-
til removed.

Act to ex-
tend only to
Ireland.

Act not to
affect certain
Boroughs.

CIV. This Act shall extend only to Ireland; and nothing herein contained shall extend to or affect the Boroughs of Dublin, Cork, 30 Limerick, Belfast, and Waterford.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

City [or Town] } NOTICE is hereby given, That in virtue of the Powers
of } contained in an Act of Parliament passed in the
Session holden in the Sixteenth and Seventeenth Years of the Reign
of Her Majesty Queen Victoria, intituled "The Towns Improvement
(Ireland) Act, 1854," and by the Order of the Lord Lieutenant of
Ireland in that behalf, bearing Date the Day the
rated Occupiers and Lessors hereinafter mentioned of Premises in the
City [or Town] of [or where the Boundaries have been
ascertained by the Lord Lieutenant's Order under this Act, within the
Boundaries following, viz., repeat them as in the said Order], are
hereby required to meet upon the Day of
next, at of the Clock, within [*state exact Place of Meeting*],
when the said Act shall be laid before the Meeting, with the view of
adopting it in whole or in part; that is to say, the rated Occupiers and
Lessors following are required to meet as aforesaid, viz.: Every Male
Person of full Age who shall have occupied as Tenant or Owner, or
shall have been the immediate Lessor (rated for such Premises to the
relief of the Poor) of any Lands, Tenements, or Premises within the
said [City or Town], or within such Boundaries as aforesaid, and shall
have been so rated in respect of such Premises for the Period of
Months preceding the said Day of Meeting, and shall have paid all
such Poor Rates as shall have become payable by him in respect of
such Premises, except such as shall have become payable within
Months preceding such Day of Meeting.

Dated at the Day of 18 .

(Signed)

E.F., Chief Magistrate,
or Justices [*as the Case may be*].

SCHEDULE (B.)

Form of the Book to be used in the Elections of Commissioners.

Names and Designations of Commissioners voted for.		Qualifications of Electors.	Signatures of Electors.
I.			

SCHEDULE (C.)

Form of Conviction.

County of } Be it remembered, That on the Day of
 [or, Borough, &c.] } in the Year of our Lord
 to wit. } *A.B.* is convicted before me [*or us*]

One [*or Two*] of Her Majesty's Justices of the Peace in and for the County [*or Borough, &c.*] of [*here describe the Offence generally, and the Time and Place when and where committed, in the Words of this Act or as near thereunto as may be*], contrary to "The Towns Improvements (Ireland) Act, 1854;" and I [*or We*] do adjudge that the said *A.B.* hath forfeited for his said Offence the Sum of [*Amount of Penalty adjudged*], and that he do pay to *C.D.* the further Sum of as and for his Costs in this Behalf.

Given under my Hand and Seal [*or our Hands and Seals*], the Day and Year first above written.

(Signed)

(L.S.)

(L.S.)

Towns Improvement.

(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

To make better Provision for the paving, lighting, draining, cleansing, supplying with Water, and Regulation of Towns in Ireland.

*(Prepared and brought in by
Sir John Young, Viscount Palmerston, and the
Solicitor General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
3 April 1854.*

[Bill 58.]

Under 8 oz.

LORDS AMENDMENTS

TO THE

TOWNS IMPROVEMENT (IRELAND) BILL.

Page 1. Line 16. After (" thousand ") insert (" five hundred ")

Page 3. Line 38. After (" any ") insert (" City or ")

Line 40. After (" such ") insert (" City or ")

Page 4. Line 2. After (" Act ") insert (" and a Copy of which
" Application shall be inserted in the Dublin Gazette, and in One
" or more Newspaper or Newspapers published in such City or
" Town, and if none be therein published, then in One or more
" Newspaper or Newspapers published nearest to such City or
" Town")

Line 3. After (" Ireland ") insert (" One Month after
" Receipt of such Application, and if he shall approve of such pro-
" posed Boundaries ")

Line 14. After (" same ") insert (" and the Boundaries so
" approved of ")

Line 15. Leave out (" the Dublin ") and insert (" such "),
and in the same Line and in Line 16. leave out (" in One or more "),
and in Line 16. leave out from (" Newspapers ") to the End of the
Clause and insert (" as aforesaid ")

Line 20. After (" such ") insert (" City or ")

Line 24. Leave out (" proposed "), and in the same Line
after the First (" Boundaries ") insert (" so approved of as
" aforesaid ")

Page 5. Line 10. After (" who ") insert (" is the immediate
" Lessor of Lands, Tenements, and Hereditaments within such
" Town, or within such Boundaries of the same respectively as
" aforesaid, of the Value of Fifty Pounds or upwards according to
" the last Poor Law Valuation, and who shall reside within Ten
" Miles of the Boundary of such Town; also every Person of full
" Age who ")

Line 24. Leave out (" upon ") and insert (" by ")

Page 7. Line 13. Leave out (" One Year ") and insert (" Two
" Years ")

Line 31. After (" Persons ") insert (" and fix the Number
" of Commissioners to be elected for carrying this Act into execution
" in such Town ")

[Bill 261.]

Page 11.

Page 11. Line 31. After ("who") insert ("is the immediate
" Lessor of Lands, Tenements, and Hereditaments within such
" Town, or within such Boundaries of the same respectively as afore-
" said, of the Value of Fifty Pounds or upwards according to the
" last Poor Law Valuation, and who shall reside within Ten Miles
" of the Boundary of such Town; also every Person of full Age
" who")

Line 33. After ("Poor") insert ("to the net annual
" Value of Four Pounds or upwards")

Page 13. Line 12. Leave out ("Five") and insert ("Ten")

Page 14. Line 6. Leave out ("Person") and insert ("Persons"),
and in the same Line leave out ("Chairman of said"), and also in the
same Line leave out ("if") and insert ("it shall be lawful for")

Line 7. Leave out from ("Chancellor") to ("then") in
Line 8. and insert ("if he shall think fit to select from such Com-
" missioners a proper and qualified Person to act as a Justice of the
" Peace for the Purposes of this Act within the Boundaries of the
" Town and")

Lines 9. and 10. Leave out ("said Chairman for the
" Time being") and insert ("Person so selected")

Lines 16. and 17. Leave out ("Chairman so qualified")
and insert ("Commissioner so selected")

Line 23. Leave out ("Chairman") and insert ("Com-
" missioner")

Line 29. Leave out ("Chairman") and insert ("Com-
" missioner")

Page 15. Leave out Clause 33.

Page 18. Line 41. Leave out ("the") and insert ("any"), and in
the same Line after ("Town") insert ("the Population of which as
" ascertained by the last Population Returns made pursuant to Act
" of Parliament shall be above Three thousand Inhabitants")

Page 21. Line 8. After the First ("The") insert ("One hundred
" and")

Line 18. After ("of") insert ("Roads and")

Page 23. Line 2. After ("within") insert ("or without")

Page 31. Line 32. After ("Commissioners") insert ("with the
" Approval of the Lord Lieutenant, signified in Writing by the Chief
" Secretary or Under Secretary")

Page 37. Line 12. Leave out ("and")

Line 13. After the Second ("any") insert ("Street")

Leave out Clause 74.

Page 44. Line 40. After ("Hire") insert ("for the Carriage of
" Passengers")

Page 45. Line 5. Leave out ("and with respect to providing
" Watchmen, be it enacted as follows")

Line 6.

Page 5. Line 6. Leave out from ("the") to ("and") in Line 18. and insert ("Lord Lieutenant of Ireland, on the Application of the
" said Commissioners, to increase the Constabulary Force stationed in
" such Town to act as Watchmen within such Town by Night, and
" also upon any special Occasions by Day, as they may be required
" by the Commissioners or any Three of them, and the said Commis-
" sioners shall provide a Watch-house and all necessary Articles for
" such Watching")

Line 19. Leave out ("Watchmen") and insert ("Con-
" stables and all other Constables")

Line 29. Leave out ("Watchman") and insert ("Con-
" stable")

In Schedule (A.) to the Bill :

Page 51. Line 9. After ("Premises") insert (" of the net annual
" Value of Eight Pounds and upwards")

LORDS AMENDMENTS

TO THE

TOWNS IMPROVEMENT (IRELAND)
BILL.

*Ordered, by The House of Commons, to be Printed,
2 August 1854.*

[Bill 261.]

Under 1 oz.

7 July 1854. 17 & 18 VICT.



A

B I L L

TO

Continue certain Turnpike Acts in Great Britain,
and to make further Provisions concerning Turn-
pike Roads in England.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS it is expedient to continue for limited Times Preamble.
the Acts herein-after specified, and to make further Pro-
visions concerning Turnpike Roads in England: Be it
enacted by the Queen's most Excellent Majesty, by and with the
5 Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority of
the same, as follows:

- I. Every Act now in force for regulating, making, amending, or
repairing any Turnpike Road in Great Britain which will expire on
10 or before the End of the next Session of Parliament shall be con-
tinued until the *First Day of October One thousand eight hundred
and fifty-five, and to the End of the then next Session of Parliament* ;
except an Act of the Fifty-fourth of King George the Third, Chapter
One hundred and eighty, "for repairing the Road from Potton in the
15 " County of Bedford, and Gamlingay in the County of Cambridge,
" to Eynesbury in the County of Huntingdon," and an Act of the
Third Year of King George the Fourth, Chapter Sixty-four, " for
[Bill 194.] A amending
- All Turn-
pike Acts
which will
expire on or
before the
End of next
Session con-
tinued to
1st Oct. 1855,
&c., with
certain
Exceptions

“ amending and maintaining the Road from Whitchurch to Ternhill
 “ in the County of Salop,” and except as herein-after mentioned.

Acts in
 Schedule to
 this Act
 continued
 till 1st Nov.
 1855.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the *First Day of November One thousand eight hundred and fifty-five*, and no longer, unless Parliament shall in 5 the meantime continue the same respectively.

Any Money
 applicable to
 Payment of
 Turnpike
 Debts may
 be applied in
 manner Pro-
 vided by
 12 & 13 Vict.
 c. 87. with
 respect to
 Sinking
 Funds under
 that Act.

III. Where any Money arising from any Sinking Fund provided under any Local Turnpike Act, or from the Sale of surplus Land, or from Compensation payable by any Company, Corporation, or Person, or from any other Source, is or may be applicable to the Payment of 10 the Principal Debts owing on the Security of the Tolls of any Turnpike Road, or of any particular Class of such Debts, it shall be lawful for the Trustees or Commissioners of such Road, if they think fit, from Time to Time (so often as the Money so applicable amounts to the Sum of Two hundred Pounds, or to such other Sum as the 15 said Trustees or Commissioners, with the Consent in Writing of One of Her Majesty's Principal Secretaries of State, may determine) to apply the same in or towards the Discharge of such Debts or Class of Debts, in manner provided by the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighty-seven, 20 with respect to the Application of Monies arising from the Sums set apart as therein mentioned, in or towards the Discharge of Monies borrowed, charged, or secured, after the passing of that Act, and such Money may be so applied as aforesaid, notwithstanding the Provisions of any Local or other Act for the Payment of such Principal Debts 25 rateably, or by lot, or otherwise.

Power to
 Executors,
 &c. to Con-
 sent.

IV. All Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who as such are for the Time being entitled to any Money charged or secured on the Tolls of any Turnpike Road, may offer to accept, and may accept 30 under this Act such Composition in respect of such Money or any Part thereof as they in their Discretion may deem expedient, as if they respectively were so entitled in their own Right, discharged of all Trusts in respect thereof, and all Executors, Administrators, Guardians, Trustees, and Committees so consenting are hereby severally 35 indemnified for so doing.

Tolls not to
 be charged
 without Con-
 sent of Secre-
 tary of State.

V. It shall not be lawful for the Trustees or Commissioners of any Turnpike Road to borrow any Money on the Credit of the Tolls of such Road, or to make any Mortgage, Charge, or Security of or upon such Tolls, without the previous Consent in Writing of One of Her 40 Majesty's Principal Secretaries of State; Provided always, that this

Enact-

Enactment shall not be applicable where Power is given by any Local Act to borrow a limited Sum for a specific Object on Security of such Tolls.

VI. In citing this Act in other Acts of Parliament and in legal Short Title.
5 Instruments it shall be sufficient to use the Expression "The Annual
Turnpike Acts Continuance Act, 1854."

VII. This Act shall not apply to Ireland.

Extent of
Act.

SCHEDULE.

- 52 G. 3. c. xxi. An Act for enlarging the Term and Powers of an Act of King George the Second, and Two Acts of His present Majesty, for repairing the Road from Hedon to Hull, and other Roads therein mentioned, in the County of York.
- 52 G. 3. c. lxxxi. An Act for repairing the Road from Chatham to Canterbury in the County of Kent.
- 54 G. 3. c. xiv. An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Canterbury Lane within the Liberty of the Town of Folkestone to a Place in the Parish of Folkestone called Mudshole, and other Roads therein mentioned, in the County of Kent.
- 54 G. 3. c. lxxx. An Act for making and maintaining certain Roads from the Town of Stroud and several other Places therein mentioned, all in the County of Gloucester.
- 55 G. 3. c. xxxviii. An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty, for amending the Road from the Bottom of Galley Hill to the Cross in Clanfield in the County of Oxford.
- 57 G. 3. c. xii. An Act for making and maintaining a Turnpike Road from and out of the Turnpike Road at the Bottom of Coalbrook-Dale in the Parish of Madeley, into the Turnpike Road leading from Shiffnal to Shrewsbury, at or near a Place called Watling Street in the Parish of Wellington, all in the County of Salop.
- 8 G. 3. c. vii. An Act for continuing and amending an Act of His present Majesty for repairing the Roads near the Towns of Hockerton, Kirklington, Southwell, Normanton, and Winkbourne, with a Branch from Kirklington to the Street-Gate Road, and the Newark and Southwell Turnpike Road at Greet Bridge in the County of Nottingham.
- 58 G. 3. c. lxxiii. An Act to continue the Term and enlarge the Powers of several Acts for repairing the Roads from Basingstoke through Popham Lane, Sutton Scotney, and Stockbridge in the County of Southampton, to a Place called Lobcomb Corner in the County of Wilts.
- 1 G. 4. c. xx. An Act to enlarge the Term and Powers of an Act of His late Majesty, for making and maintaining the Road from near Lightpill Gate in the Parish of Rodborough to near Birdlip in the Parishes of Brimpsfield and Cowley, or One of them, all in the County of Gloucester.
- 1 G. 4. c. xxx. An Act for more effectually improving the Road from Gateshead in the County of Durham to the Church Lane near Ryton Lane Head, and from the Bar Moor to the Hexham Turnpike Road near Dilston Bar, in the County of Northumberland, and other Roads therein described, and also for altering the Line of a certain Part of the first above-mentioned Road.
- 1 G. 4. c. lxxxii. An Act to continue the Term and alter and enlarge the Powers of an Act of the Fortieth Year of His late Majesty's Reign, for repairing the Road leading from the Turnpike Road in Witney to the Road on Swerford Heath, and the Road leading from the Road from Woodstock to Birmingham, through Charlbury, to the Road from Chipping Norton to Burford, all in the County of Oxford.
- 1 & 2 G. 4. c. lxxxiii. An Act for repairing the Roads from Tetbury to Symondshall, from Frocester Hill to Dunkirk, and from the Latterwood to Nailsworth, and other Roads therein mentioned, all in the County of Gloucester.

An

An Act for repairing, widening, and maintaining several Roads in the Counties of Dorset and Devon, leading to and through the Borough of Lyme Regis, and from the Turnpike Road on Uplyme Hill to the Turnpike Road at the Three Ashes in the Parish of Crewkerne in the County of Somerset. 1 & 2 G. 4. c. cviii.

An Act for more effectually repairing, widening, amending, and improving the Roads from Wigan to Preston in the County Palatine of Lancaster. 3 G. 4. c. iii.

An Act for continuing the Term, and altering, amending, and enlarging the Powers of several Acts passed for repairing the Roads from Chappel Bar, near the West End of the Town of Nottingham to Newhaven, and from the Four Lane Ends, near Oakerthorpe, to Ashbourne, and from the Cross Post on Wirksworth Moor, to join the Road leading from Chesterfield to Chapel-en-le frith, at or near Longston, in the County of Derby, and from Selstone to Annesley Wodehouse, in the County of Nottingham. 3 G. 4. c. x.

An Act for amending and improving the Roads leading from Tiltup's Inn in the Parish of Horsley to or near Dudbridge in the Parish of Rodborough, and from the Bridge at Nailsworth to the Cross Post on Minchinhampton Common, and other Roads thereto adjoining, and for making a new Piece of Road from the said Bridge to the Cross in the Parish of Avening, all in the County of Gloucester. 3 G. 4. c. lxi.

An Act to enlarge the Term and Powers of several Acts, for repairing and widening the Road from the Market House in Tetbury to the Turnpike Road on Minchinhampton Common, and several other Roads therein mentioned, all in the County of Gloucester, so far as the same Acts relate to the Second District of Roads therein mentioned. 3 G. 4. c. lxxiii.

An Act for enlarging the Term and Powers of several Acts passed for repairing the Road from the Town of Guldeford to the Directing Post near the Town of Farnham, in the County of Surrey. 3 G. 4. c. lxxvii.

An Act for more effectually repairing the Road from the Guide Post near the End of Drayton Lane near Banbury in the County of Oxford to the House called the Sun Rising, at the Top of Edge Hill in the County of Warwick. 3 G. 4. c. xc.

An Act for making, widening, repairing, and maintaining certain Roads leading to and from the Town of Honiton in the County of Devon. 3 G. 4. c. xcvi.

An Act for repairing and amending the Road from the City of Peterborough through Oundle and Thrapston to Wellingborough in the County of Northampton, and several other Roads near or adjoining thereto. 4 G. 4. c. viii.

An Act for more effectually repairing and improving the Yorkshire District of the Road from Keighley in the West Riding of the County of York to Kirkby-in-Kendal in the County of Westmoreland, and for making several Diversions therefrom, within the said West Riding of the County of York. 4 G. 4. c. xlix.

An Act for more effectually repairing the Road from the South End of Brown's Lane in the Parish of Great Staughton, in the County of Huntingdon, to the Bedford Turnpike Road, in the Parish of Lavendon, in the County of Buckingham. 4 G. 4. c. lxxxv.

An Act for making and maintaining a Turnpike Road from Colne in the County of Lancaster, to communicate with the Road leading from Clitheroe in the same County to Skipton in the County of York. 5 G. 4. c. xlv.

An Act for more effectually repairing the Road from the Trent Bridge in the County of the Town of Nottingham to Cotes Bridge in the County of Leicester. 5 G. 4. c. xlv.

- 5 G. 4. c. lvi. An Act for repairing the Lower Road from Greenwich to Woolwich in the County of Kent.
- 5 G. 4. c. lxxxii. An Act for making and maintaining a Turnpike Road from Roundhay Bridge to Collingham in the County of York.
- 5 G. 4. c. xxvii. An Act for repairing, widening, improving, and maintaining in repair the First District of Turnpike Roads leading to and from the Town of Bridport in the County of Dorset.
- 5 G. 4. c. cv. An Act for improving and more effectually repairing the Roads from the Town of Bolton-in-the-Moors to Nightingales in the Township of Heath Charnock, and for making a Branch Road from Little Bolton to or near the Crown in Horwich; and for enabling the Trustees therein named, together with the Trustees North and South of Yarrow, and the Trustees of the Road from Westhoughton to Duxbury Stocks, to make a new Line of Road from Hole House Brow in the said Township to the Town of Chorley, and a Branch Road from Rawlinson Bridge to Halliwell Field in the same Township, and another Branch Road in the Township of Duxbury, all in the County Palatine of Lancaster.
- 6 G. 4. c. xxiii. An Act for making and maintaining a Turnpike Road from Cainscross, through Stroud, over Rodborough and Minchinhampton Commons, to the Town of Minchinhampton, with several Branches therefrom, all in the County of Gloucester.
- 6 G. 4. c. xxvi. An Act for making a Turnpike Road from the Hope Turnpike in the Leominster and Hereford Road to or nearly Burley Gate in the Hereford and Bromyard Turnpike Road, and from thence to a Place called the Trumpet in the Ledbury and Hereford Turnpike Road, all in the County of Hereford.
- 6 G. 4. c. lxxxiv. An Act for making and maintaining a Turnpike Road from Trebarwith Sands, on the Sea Shore, to Condolden Bridge on the Road leading from Bossiney to Camelford, all in the County of Cornwall.
- 6 G. 4. c. lxxxvii. An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton and Alresford Turnpike Road near Ropley in the County of Southampton; and for making and maintaining a new Branch of Road to communicate therewith.
- 6 G. 4. c. cxliv. An Act for repealing Two Acts for repairing the Roads from Little Sheffield in the County of York to Sparrow Pit Gate in the County of Derby; and also an Act for making a Road from Banner Cross in the West Riding of the County of York to Fox House in the County of Derby; and for consolidating the Trusts of certain Roads mentioned in the said Acts; and for amending and making certain other Roads to communicate therewith, and for other Purposes relating thereto.
- 6 G. 4. c. clii. An Act for making and maintaining a Turnpike Road from the Town of Kingston-upon-Hull, through the Town of Hessle, to the East End of the Town of Ferriby, all in the County of the Town of Kingston-upon-Hull.
- 7 G. 4. c. ix. An Act for making and maintaining a Turnpike Road from Cannock in the County of Stafford to Penkridge in the same County.
- 7 G. 4. c. xviii. An Act for amending and maintaining the Road leading from the Turnpike Road on Farrard's Common in the Parish of Bradford, through Holt and Melksham, to Homan's Stile in the Parish of Lacock in the County of Wilts, and the Road leading therefrom to the Bath Turnpike Road upon Kingsdown Hill in the same County.
- 7 G. 4. c. lxxxii. An Act for more effectually repairing and improving the Road from West

Houghton to near Halliwell Field, in the Township of Heath Charnock in the County of Lancaster.

An Act for making and maintaining a Turnpike Road from Gomersal to Dewsbury in the West Riding of the County of York, with Two Branch Roads therefrom. 7 G. 4. c. xciii.

An Act for repairing the Road from Alford to Boston, and from thence to Cowbridge in the Township of Frithville, in the County of Lincoln. 7 & 8 G. 4. c. xvii.

An Act for more effectually repairing and improving the Road from Wadhurst to the Turnpike Road at Lamberhurst Down, both in the County of Sussex; and from the Turnpike Road at Pullen's Hill to West Farleigh Street, both in the County of Kent. 9 G. 4. c. xvii.

An Act for making and maintaining a Turnpike Road from the Bridport Turnpike Road at Allington, through Broadwindsor and Drimpton in the County of Dorset, to the Crewkerne Turnpike Road at or near Clapton Bridge, and also from Hewish Toll Gate to the Crewkerne Turnpike Road at or near Roundham Corner in the Parish of Crewkerne in the County of Somerset. 9 G. 4. c. xix.

Turnpike Acts Continuance,
&c.

A

B I L L

To continue certain Turnpike Acts in
Great Britain, and to make further
Provisions concerning Turnpike Roads
in England.

(Prepared and brought in by
Mr. Fitz Roy and Viscount Palmerston.)

*Ordered, by The House of Commons, to be Printed,
7 July 1854.*

[Bill 194.]
Under 1 oz.



(Ireland.)

A

BILL

TO

Continue certain Acts for regulating Turnpike Roads in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in Ireland were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas the said Acts were further continued from Time to Time, save as specially excepted: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, save as therein excepted, are further continued, and will remain in force until the Thirty-first Day of July in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in Ireland should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Any Act for making, amending, or repairing any Turnpike Road or Roads in Ireland which will expire on the said Thirty-first Day

Acts for making, &c. Turnpike Roads in

[Bill 159.]

Ireland,
which will
expire on
31st July
1855, &c.
continued.

Day of July in the present Year, or at or before the End of the present or next ensuing Session of Parliament, or before the Thirty-first Day of July One thousand eight hundred and fifty-five, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the 5 *Thirty-first Day of July One thousand eight hundred and fifty-five, or, if Parliament be then sitting, until the End of the then Session of Parliament.*

Nothing in
this Act to
apply to
38 G. 3. c. 22.
and 39 G. 3.
c. 52.

II. Provided always, That nothing herein contained shall extend or apply to an Act of the Thirty-eighth Year of His late Majesty 10 George the Third, intituled "An Act for improving and repairing the
" Turnpike Roads leading from the City of Cork to the Brook
" which bounds the Counties of Cork and Tipperary, near the Foot of
" Kilworth Mountain, and for repealing the several Laws heretofore
" made relating to the said Act," or to an Act of the Thirty-ninth 15 George the Third to explain and amend the said Act.

Turnpike Acts Continuance.

(Ireland.)

A

BILL

To continue certain Acts for regulating
Turnpike Roads in Ireland.

*(Prepared and brought in by
Sir John Young and Mr. Solicitor General for
Ireland.)*

*Ordered, by The House of Commons to be Printed,
26 June 1854.*

[Bill 159.]

Under 1 oz.



B I L L

to

Confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS, in pursuance of the Act of the Fifteenth Year of Her Majesty, “to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls,” certain Provisional Orders have been made by the Right Honourable Viscount Palmerston, One of Her Majesty’s Principal Secretaries of State, for reducing the Rate of Interest, and for extinguishing the Arrears of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of certain Turnpike Roads, and such Orders have been published in the London Gazette, and in Newspapers circulating in the Neighbourhood of such Roads, and the Dates of such Provisional Orders, and the Acts under which the Tolls or Revenues on which such Debts are charged or secured are levied or raised, together with the Amount to which the Rate of Interest on such Debts is to be reduced,

Preamble.
14 & 15 Vict.
c. 38.

5
10

[Bill 193.]

reduced, and the Day up to which the Interest and Arrears of Interest on such Debts are to be extinguished by such Orders, are mentioned in the Schedule to this Act: And whereas it is expedient that the said Provisional Orders should be confirmed, and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and 5 with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisional Orders are hereby confirmed, and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly 10 enacted by Parliament.

Provisional
Orders con-
firmed.

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
1853. 14 Oct.	3 & 4 Vict. c. 84., "An Act for repairing the Road from the Maidstone Turnpike Gate on the Loose Road in the Parish of Maidstone in the County of Kent, to Newcastle in the Parish of Biddenden, and a Branch Road to the Thorn in the Parish of Smarden in the same County"	£ s. d. 10,570 0 0	4l. per Cent.	31 Dec. 1850.
1854. 7 Jan.	5 W. 4. c. 19., "An Act for repairing the Road from Little Bowden in the County of Northampton to Rockingham in the same County"	2,728 0 0	3l. per Cent.	31 Jan. 1853.
7 Jan.	7 G. 4. c. 19., "An Act for making and maintaining a Turnpike Road, commencing at or near a certain House called The Shrewsbury Arms, situate at Hinderton in the Township of Little Neston, by way of Upton, and terminating in the Township of Hoose, and from Upton aforesaid to the Township of Birkenhead, and also certain Branches of Road to communicate therewith, all in the County Palatine of Chester"	3,400 0 0	3l. 10s. per Cent.	31 Dec. 1853.
7 Feb.	7 G. 4. c. 13., "An Act for making and maintaining a Road from Godalming, through Hascomb, to Pains Hill, in the County of Surrey"	2,380 0 0	One Penny per Cent.	31st Dec. 1853.
7 Feb.	5 G. 4. c. 54., "An Act for repairing and improving the Road from Back Lane in the Parish of Scartho, to Hollowgate Head in the Parish of Louth in the County of Lincoln"	4,712 1 0	2l. per Cent.	1st Jan. 1854.
3 April	11 G. 4. c. 18., "An Act for more effectually repairing and maintaining the Road from New Chappel in the County of Surrey to Ditcheling Bost Hills in the County of Sussex, and from thence to the Town of Brighthelmston in the same County; and also for making and maintaining a Branch of Road from the Town of Ditcheling to Clayton in the County of Sussex," as far as the same relates to the Ditcheling and Clayton Branch Road	1,900 0 0	1l. 10s. per Cent.	31st Dec. 1852.
29 April	57 G. 3. c. 45., "An Act for making and keeping in repair a Carriage Road from or near the Town of Brough-under-Stainmore in the County of Westmoreland, to Middleton Bridge in the Parish of Romalldkirk in the North Riding of the County of York, with a Branch from or near Chapel House to Eggleston Bridge in the same Parish"	1,620 0 0	One Penny per cent.	31st Dec. 1853.

Turnpike Trusts Arrangements.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
1854. 24 May	4 G. 4. c. 15., "An Act for repairing and improving the Roads from the Town of Stockbridge to the City of Winchester, and from the said City of Winchester to the top of Stephen's Castle Down, near the Town of Bishops Waltham in the County of Southampton, and from the said City of Winchester through Otterborne to Bar Gate in the Town and County of the Town of Southampton, and certain Roads adjoining thereto," as far as the same relates to the Road described as "the Winchester and Waltham Road"	£ s. d. 1,500 0 0	One Penny per cent.	31st Dec. 1853.
19 June	5 G. 4. c. 91., "An Act for making and maintaining a Road from Brighthelmstone to Newhaven in the County of Sussex"	10,650 0 0	2l. per cent.	31st Dec. 1852.

Turnpike Trusts Arrangements.

A

B I L L

To confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls.

(Prepared and brought in by
Mr. FitzRoy and Viscount Palmerston.)

Ordered, by The House of Commons, to be Printed,
7 July 1854.

[Bilt 193.]
Under 1 02.



A

B I L L

FOR

The uniform Assessment of Property for the Purposes of rating.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS many Rates and Taxes are raised upon Property subject to the Payment of Poor's Rate, and it is desirable to have One uniform Assessment of such Property to prevent the Necessity of Appeals against the Rates upon the Assessments for the respective Rates: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

I. In citing this Act in other Acts of Parliament and in legal Instruments, it shall be sufficient to use the Expression "The Uniform Assessment Act, 1854."

Title of Act.

II. All Rates and Taxes raised or made payable upon Property subject to the Poor's Rate shall, from and after the *passing of this Act*, be made upon the Assessment upon which the Poor's Rate shall be made, and no Appeal shall be allowed against any Rate to be henceforth made upon such Assessment for Inequality, except for the Poor Rate: Provided always, that if on any Appeal against the Poor Rate the Assessment shall be amended or altered, and the Poor's Rate thereupon

Rates and Taxes on Property subject to Poor's Rate to be made on Poor's Rate Assessment.

[Bill 23.]

thereupon also altered, the same shall apply to all Rates and Taxes made or paid during such Appeal, it being the Intention of this Act that One Assessment only shall be the Basis of all Rates and Taxes, and that the same shall be disputed upon the Poor's Rate only.

Overseer of
the Poor to
furnish Copy
of Poor's
Rate Assess-
ment.

III. All Persons authorized to make Rates shall be entitled to 5
demand of the Overseers or other Persons in possession of the Poor
Rate Assessment for the Time a Copy thereof, on Payment of such
Price as shall from Time to Time be fixed by the Poor Law Commis-
sioners for the Time being, who shall also fix the Price to be allowed
or paid for the Books of Assessment to the Poor's Rate to the Person 10
or Persons preparing the same or any Copy thereof.

Penalty for
making such
Rates or
Taxes other-
wise than
upon Poor's
Rate Assess-
ment.

IV. Every Person making any Rate or Tax upon any other Assess-
ment of Property so subject to the Poor's Rate as aforesaid, or collect-
ing upon the same, or any Copy thereof, shall, for every such Offence,
forfeit to Her Majesty the Sum of *One hundred Pounds*, and any 15
such Penalty may be recovered in any of Her Majesty's Courts of
Record.

Uniform Assessment.

A

B I L L

For the uniform Assessment of Property
for the Purposes of rating.

(*Prepared and brought in by
Mr. Peto and Mr. Hadfield.*)

*Ordered, by The House of Commons, to be Printed,
21 February 1854.*

[Bill 23.]

Under 1 oz.

19 June 1854. 17 VICT.



A

B I L L

TO

Continue an Act of the Seventeenth Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by the Act of the Seventeenth Year of Her Majesty, Chapter Seventy-seven, certain Provisions made by the several Acts therein referred to for charging upon the Common Fund of the Union the Costs of the Relief and of the Burial
5 of certain poor Persons in those several Acts described, and the Costs of removing and maintaining certain Lunatic Paupers, were continued until the Thirtieth Day of September in this present Year, and to the End of the then next Session of Parliament: And whereas by another Act of the same Session, Chapter Ninety-seven, certain of those Pro-
10 visions relating to the Costs of the Removal and Maintenance of such Lunatic Paupers were repealed; and it is expedient that so much of the Provisions so continued by the first-mentioned Act as are now in force should be further continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the
15 Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That all the said several temporary Provisions continued by the said Act of the Seventeenth Year of Her Majesty, Chapter Seventy-
[Bill 145.]

Preamble.
16 & 17 Vict.
c. 77.

16 & 17 Vict.
c. 97. s. 102.

Provisions in
recited Act
further con-
tinued.

seven, which have not been repealed, shall further continue in full Force until the *Thirtieth Day of September One thousand eight hundred and fifty-five*, and to the End of the then next Session of Parliament.

Union Charges Continuance.

A

BILL

To continue an Act of the Seventeenth Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund.

(Prepared and brought in by
Mr. Baines, Viscount Palmerston, and
Mr. Grenville Berkeley.)

*Ordered, by The House of Commons, to be Printed,
19 June 1854.*

[Bill 145.]
Under 1 oz.

29 June 1854. 17 & 18 VICT.



A

B I L L

FOR

The Repeal of the Usury Laws.

WHEREAS it is expedient to repeal the Statutes at present in force relating to Usury: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The several Acts and Parts of Acts made in the Parliaments of England and Scotland, Great Britain and Ireland, mentioned in the Schedule hereto, shall be repealed.

10 II. Provided always, That nothing herein contained shall prejudice or affect the Rights or Remedies of any Person, or diminish or alter the Liabilities of any Person, in respect of any Act done previously to the passing of this Act.

15 III. Where Interest is now payable upon any Contract, express or implied, for Payment of the legal or current Rate of Interest, or where upon any Debt or Sum of Money Interest is now payable by any Rule of Law, the same Rate of Interest shall be recoverable as if this Act had not been passed.

[Bill 164.]

SCHE-

Repeal of
Statutes
relating to
Usury.

Saving of
Rights, Re-
medies, and
Liabilities in
respect of
previous
Transactions
for a limited
Time.

Legal In-
terest or
current Rate
of Interest
to mean the
same as
before the
Act.

SCHEDULE referred to by the foregoing Act.

ACTS and PARTS of ACTS of the Parliaments of England, Great Britain,
and the United Kingdom of Great Britain and Ireland.

- 37 Hen. 8. c. 9. - The whole of an Act passed in the Thirty-seventh Year of the Reign of King Henry the Eighth, intituled "A Bill against Usury."
- 13 Eliz. c. 8. - The whole of an Act passed in the Thirteenth Year of the Reign of Queen Elizabeth, intituled "An Act against Usury."
- 21 Jac. 1. c. 17. made perpetual by 3 Car. 1. c. 4. s. 5. So much of an Act passed in the Third Year of the Reign of King Charles the First as enacts that an Act passed in the Twenty-first Year of King James the First, intituled "An Act against Usury," be made perpetual.
- 12 Car. 2. c. 13. - The whole of an Act passed in the Twelfth Year of the Reign of King Charles the Second, intituled "An Act for the restraining "the taking of excessive Usury."
- Confirmed by 13 Car. 2. Stat. 1. c. 14. So much of an Act passed in the Thirteenth Year of the Reign of King Charles the Second, intituled "An Act for confirming an Act "intituled 'An Act for encouraging and "increasing of Shipping and Navigation," and "several other Acts both public and private "mentioned therein," as confirms the herein-before mentioned Act of the Twelfth Year of the same Reign.
- 12 Anne, Stat. 2. c. 16. The whole of an Act passed in the Twelfth Year of the Reign of Queen Anne, intituled "An Act to reduce the Rate of "Interest without any Prejudice to Parliametary Securities."
- 5 & 6 W. 4. c. 41. - So much of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act to amend the "Law relating to Securities given for Con-siderations arising out of gaming, usurious, "and other illegal Transactions," as relates to Securities given for Considerations arising out of usurious Transactions.

13 & 14 Vict.

The whole of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to "continue the Act for exempting certain "Bills of Exchange and Promissory Notes "from the Operation of the Usury Laws."

Acts of the Parliament of Scotland.

An Act of the Fourteenth Parliament of King James the Sixth, Chapter Two hundred and twenty-five, "Anent the Privilege of "Burrows."

An Act of the Fifteenth Parliament of King James the Sixth, Chapter Two hundred and fifty-one, "It is not leasum to take mair "annuall Rent or Profet nor Ten for the Hundreth."

An Act of the Twenty-third Parliament of King James the Sixth, Chapter Twenty-eight, "Anent taking of annual Rent beforehand to "be Usurie."

Acts of the Parliament of Ireland.

An Act of the Tenth Year of King Charles the First, Session Two, Chapter Twenty-two, intituled "An Act against Usury."

An Act of the Second Year of Queen Anne, Chapter Sixteen, intituled "An Act for reducing of Interest of Money to Eight per "Cent. for the future."

An Act of the Eighth Year of King George the First, Chapter Thirteen, intituled "An Act for reducing the Interest of Money to "Seven per Cent."

An Act of the Fifth Year of King George the Second, Chapter Seven, intituled "An Act for reducing the Interest of Money to Six per Cent."

Usury Laws Repeal.

A

B I L L

For the Repeal of the Usury Laws.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and Mr. Wilson.)

*Ordered, by The House of Commons, to be Printed,
29 June 1854.*

[Bill 164.]

Under 1 oz.



A

B I L L

INTITULED

An Act to repeal the Laws relating to Usury and to the Enrolment of Annuities.

WHEREAS it is expedient to repeal the Laws at present Preamble.
in force relating to Usury: Be it enacted by the Queen's
most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
5 present Parliament assembled, and by the Authority of the same, as
follows:

I. The several Acts and Parts of Acts made in the Parliaments Acts, &c.
named in
Schedule
repealed.
of England and Scotland, Great Britain and Ireland, mentioned in
the Schedule hereto, and all existing Laws against Usury, shall be
10 repealed.

II. Provided always, That nothing herein contained shall prejudice Transactions
previous to
passing of
this Act not
to be affected.
or affect the Rights or Remedies of any Person, or diminish or alter
the Liabilities of any Person, in respect of any Act done previously to
the passing of this Act.

15 III. Where Interest is now payable upon any Contract, express or Legal or
current Rate
of Interest
to mean the
same as if
this Act had
not passed.
implied, for Payment of the legal or current Rate of Interest, or
where upon any Debt or Sum of Money Interest is now payable by
any Rule of Law, the same Rate of Interest shall be recoverable as if
this Act had not been passed.

[Bill 249.]

IV. Pro-

Not to affect
the Law as
to Pawn-
brokers.

IV. Provided always, That nothing herein contained shall extend or be construed to extend to repeal or affect any Statute relating to Pawnbrokers, but that all Laws touching and concerning Pawnbrokers shall remain in full Force and Effect, to all Intents and Purposes whatsoever, as if this Act had not been passed.

5

SCHEDULE referred to by the foregoing Act.

ACTS and PARTS of ACTS of the Parliaments of England, Great Britain, and the United Kingdom of Great Britain and Ireland.

37 Hen. 8. c. 9. - The whole of an Act passed in the Thirty-seventh Year of the Reign of King Henry the Eighth, intituled "A Bill against Usury."

13 Eliz. c. 8. - The whole of an Act passed in the Thirteenth Year of the Reign of Queen Elizabeth, intituled "An Act against Usury."

21 Jac. 1. c. 17. made So much of an Act passed in the Third Year perpetual by 3 Car. 1. of the Reign of King Charles the First as enacts that an Act passed in the Twenty-first Year of King James the First, intituled "An Act against Usury," be made perpetual.
c. 4. s. 5.

12 Car. 2. c. 13. - The whole of an Act passed in the Twelfth Year of the Reign of King Charles the Second, intituled "An Act for the restraining the taking of excessive Usury."

Confirmed by 13 Car. 2. So much of an Act passed in the Thirteenth Stat. 1. c. 14. Year of the Reign of King Charles the Second, intituled "An Act for confirming an Act
" intituled 'An Act for encouraging and
" 'increasing of Shipping and Navigation,' and
" several other Acts, both public and private,
" mentioned therein," as confirms the herein-
before mentioned Act of the Twelfth Year
of the same Reign.

12 Anne,

- 12 Anne, Stat. 2. c. 16. The whole of an Act passed in the Twelfth Year of the Reign of Queen Anne, intituled "An Act to reduce the Rate of Interest, without any Prejudice to Parliamentary Securities."
- 53 Geo. 3. c. 141. - The whole of an Act passed in the Fifty-third Year of the Reign of King George the Third, intituled "An Act to repeal an Act of the Seventeenth Year of the Reign of His present Majesty, intituled 'An Act for registering the Grants of Life Annuities, and for the better Protection of Infants against such Grants, and to substitute other Provisions in lieu thereof,'" except so much thereof as repeals the said Act of the Seventeenth Year of King George the Third.
- 3 Geo. 4. c. 92. - The whole of an Act passed in the Third Year of the Reign of King George the Fourth, intituled "An Act to explain an Act of the Fifty-third Year of the Reign of His late Majesty, respecting the Enrolment of Memorials of Grants of Annuities."
- 7 Geo. 4. c. 75. - The whole of an Act passed in the Seventh Year of King George the Fourth, intituled "An Act to explain an Act of the Fifty-third Year of the Reign of His late Majesty, respecting the Enrolment of Memorials of Grants of Annuities."
- 5 & 6 W. 4. c. 41. - So much of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and other illegal Transactions," as relates to Securities given for Considerations arising out of usurious Transactions.
- 13 & 14 Vict. c. 56. The whole of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to continue the Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Usury Laws."

Acts of the Parliament of Scotland.

An Act of the Eleventh Parliament of King James the Sixth, Chapter Fifty-two*, "It is not lesum to take ane greater annual Rent for the 100 Poundes nor Ten Poundes, or Five Bolls Victual."

An Act of the Fourteenth Parliament of King James the Sixth, Chapter Two hundred and twenty-two, "For Punishment of Com-mitters of Usury."

An Act of the Fifteenth Parliament of King James the Sixth, Chapter Two hundred and fifty-one, "It is not leasum to take mair "annuall Rent or Profet nor Ten for the Hundreth."

An Act of the Sixteenth Parliament of King James the Sixth, Chapter Seven, "Explanation of the Acts of Parliament anent "Ocker and Usury."

An Act of the Twenty-third Parliament of King James the Sixth, Chapter Twenty-eight, "Anent taking of annual Rent beforehand to "be Usurie."

Acts of the Parliament of Ireland.

An Act of the Tenth Year of King Charles the First, Session Two, Chapter Twenty-two, intituled "An Act against Usury."

An Act of the Second Year of Queen Anne, Chapter Sixteen, intituled "An Act for reducing of Interest of Money to Eight per "Cent. for the future."

An Act of the Eighth Year of King George the First, Chapter Thirteen, intituled "An Act for reducing the Interest of Money to "Seven per Cent."

An Act of the Fifth Year of King George the Second, Chapter Seven, intituled "An Act for reducing the Interest of Money to Six "per Cent."

Usury Laws Repeal.

A

B I L L

INTITLED

An Act to repeal the Laws relating
to Usury and to the Enrolment of
Annuities.

(*Brought from the Lords 28 July 1854.*)

*Ordered, by The House of Commons, to be Printed,
28 July 1854.*

[Bill 249.]

Under 1 oz.

27 June 1854. 17 & 18 VICT.



A

B I L L

INTITULED

An Act further to extend and make compulsory the Practice of Vaccination.

Note.—*The Clauses and Words printed in Red Ink are proposed to
be inserted in the Committee.*

WHEREAS an Act was passed in the Sixteenth and Seven- Preamble.
teenth Years of the Reign of Her Majesty, intituled “ An 16 & 17 Vict.
“ Act further to extend and make compulsory the Practice c. 100.

“ of Vaccination :” And whereas it is expedient to amend the same,
5 and to still further extend the Practice of Vaccination : Be it there-
fore enacted by the Queen’s most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority of
the same, as follows :

- 10 I. That within One Month from and after the First Day of Vaccination
January next, and within One Month from the First Day of January Stations to
in every subsequent Year, the Guardians of every Parish or Union in be ap-
England or Wales, and the Overseers of every Parish in England pointed.
or Wales, in which Relief to the Poor shall not be administered by
15 Guardians, shall appoint at least One convenient Place or Station for
Vaccination and subsequent Inspection thereof, in manner provided
by the First Section of the said recited Act, in each Registrar’s Sub-
District which shall have been duly constituted for the Registry of
Births and Deaths under the Act now in force ; and shall also publish

[Bill 160.]

a List

a List of such Places or Stations, with the Days and Hours, at which the Medical Officer or Practitioner contracted with or duly appointed will attend at such Place or Station for performing such Vaccination and Inspection; and such Guardians and Overseers are hereby empowered to pay the necessary Expenses incurred in providing such Stations and Places for the Performance of Vaccination and subsequent Inspection thereof as aforesaid, in like Manner as they are authorized to pay the Fees and Expenses incurred in execution of the Provisions of the said recited Act by the several Acts now in force concerning Vaccination.

10

16 & 17 Vict.
c. 100. s. 3.
repealed.

II. That the Third Section of the said Act, and so much of the Ninth Section as imposes a Penalty on the Father or Mother or Person having the Care of any Child vaccinated according to the Provisions of the said Act who shall not, on the Eighth Day after the Vaccination has been performed, take or cause to be taken such Child for Inspection according to the Provisions of the said Act, be and the same is hereby repealed.

On Seventh
Day after
Vaccination
Child to be
taken to
Medical
Officer for
his Inspec-
tion.

III. That upon the Seventh Day following that on which any Child has been vaccinated (as in the said Act prescribed), the Father or Mother, or other Person having the Care, Nurture, or Custody of the said Child, shall again take or cause to be taken the said Child to the Medical Officer or Practitioner by whom the Operation was performed, in order that such Medical Officer or Practitioner may ascertain by Inspection the Result of such Operation; and any such Person who after Notice as provided in the Ninth Section of the said Act shall not so take or cause to be taken the said Child shall forfeit a Sum not exceeding Twenty Shillings.

Certificate
of successful
Vaccination
to be made
out and
delivered to
Registrar.

IV. That the Fourth Section of the said Act be and the same is hereby repealed; and that upon and immediately after the successful Vaccination of any Child the Medical Officer or Practitioner who shall have performed the Operation shall deliver or send to the Father or Mother of the said Child, or to the Person who shall have the Care, Nurture, or Custody of the said Child, a Certificate under his Hand according to the Form of Schedule in the said Act inserted marked (A.), that the said Child has been successfully vaccinated, and shall also transmit a Duplicate of the said Certificate to the Registrar by whom the Birth of the Child so successfully vaccinated shall have been recorded, and by whom the Notices required by the Ninth Section shall have been given, and such Registrar shall be entitled to the Fees for such Certificate of successful Vaccination made payable by the said Act; and such Certificate shall, without further Proof, be admissible as Evidence of the successful Vaccination of

of such Child in any Information or Complaint which shall be brought against the Father or Mother of the said Child, or against the Person who shall have had the Care, Nurture, or Custody of such Child as aforesaid, for Non-compliance with the Provisions of the said Act.

5 V. That the Eighth Clause of the said Act shall be and the same is hereby repealed; and that every Registrar of Births and Deaths who shall have received a Certificate or Certificates of successful Vaccination as herein-before provided shall keep a Register of the Persons of whose successful Vaccination he shall
 10 have so received the Certificate, and shall at all reasonable Times allow Searches to be made of any such Register Book in his Keeping, and shall give a Copy certified under his Hand of any Entry or Entries in the same, on Payment of the Fee of One Shilling for each Search and Sixpence for each Certificate.

Register of Certificate to be kept, and Searches to be allowed on Payment of Fee.

15 Any duly qualified Medical Practitioner who shall not have been appointed by the Guardians of any Union or Overseers of the Poor aforesaid to vaccinate under the Provisions of the said Act, and who shall have successfully vaccinated and inspected any Child, and shall duly certify the same in manner and according to the Provi-
 20 sions of the said recited Act, shall be entitled to a Fee of One Shilling after he shall have so duly certified as aforesaid, to be payable to such Medical Practitioner out of the same Funds and in the same Manner as the Fees payable to the Medical Officers or Practitioners duly appointed by the Guardians or Overseers, as the
 25 Case may be, for the Vaccination of Persons under the Provisions of the said herein-before recited Act are directed to be paid.

Fee to be paid to Medical Practitioner although he may not be duly appointed.

Every Registrar shall be entitled to be paid a Fee of Sixpence for each Child vaccinated in respect of which he shall have performed the Duties required by this Act, in lieu and in substitution
 30 of the Fee of Threepence now payable under the Tenth Section of the said recited Act.

Fee to Registrar.

VI. And whereas by the Twelfth Section of the said recited Act it is provided that all Penalties thereby imposed shall be recoverable before any Two Justices of the Peace for the County, City, Borough,
 35 or Place where the Offence may have been committed, and that the Provisions of the Act of the Twelfth Year of Her present Majesty therein recited shall be applicable to the Recovery of such Penalties, and by the Thirteenth Section of the said recited Act it is provided that all Penalties recovered under such Act shall be applied in aid
 40 of the Funds applicable to the Relief of the Poor in the Parish or Place maintaining its own Poor wherein the Offence may have been

Recovery of Penalties.

committed: Be it enacted, That it shall be lawful for the Guardians and Overseers as aforesaid to order and direct any Prosecutions or other necessary Proceedings for the Recovery of the Penalties imposed and payable by the said recited Act, and by whom all such Prosecutions or other Proceedings shall henceforth be commenced 5 and carried on in the Name of such Guardians or Overseers; and the Costs, Charges, and Expenses of and incidental to any such Prosecutions and Proceedings shall be charged and paid by the Guardians and Overseers as aforesaid upon and out of the Common Fund of the Union, Parish, Township, or Hamlet, and instead of the Penalties so 10 recovered being applied in the Manner directed by the said recited Act, the said Guardians or Overseers as aforesaid shall be entitled, if they shall see fit, to apply and appropriate any Sum not exceeding One Moiety thereof as a Gratuity to any Person or Persons giving 15 such Information to the Guardians and Overseers as aforesaid as may in their Judgment and Opinion enable or facilitate a Prosecution or Proceedings for the Recovery of such Penalties, and the remaining Portion of such Penalties so recovered shall be applied in aid of the Common Fund of the Union or Parish.

B I L L

INTITLED

An Act further to extend and make compulsory the Practice of Vaccination.

(Brought from the Lords 26 June 1854.)

*Ordered, by The House of Commons, to be Printed,
27 June 1854.*

[Bill 160.]

Under 1 oz.

Valuation (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Sections 15. 29. and 30., and Part of Section 25. of 15 & 16 Vict. c. 63., and the whole of 16 & 17 Vict. c. 7., repealed ; Sect. 1.

Commissioner of Valuation shall distinguish all Houses of a public Nature or used for charitable Purposes which shall be exempted from Assessment ; 2.

Half of the Rent derived by Owner, &c. to be entered in Valuation Lists ; 3.

After Receipt of final and reserved Lists by County Treasurer County Rates to be levied according to such Lists ; 4.

Revision of the Valuation of Tenements liable to frequent Alteration. Penalty on Collector for not returning List for Revision ; 4.

Commissioner of Valuation shall cause a Revision to be made of such Tenements, and transmit a List to the Guardians of the Union and to the Treasurer of the County, &c. ; 5.

Grand Jury of respective Counties may present the Cost incurred in making Appotments of Tenements for assessing Rates ; 6.

15 & 16 Vict. c. 63. and this Act to be as One Act ; 7.

23 February 1854. 17 VICT.



A

B I L L

FURTHER

To amend an Act relating to the Valuation of
rateable Property in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS an Act was passed in the Session holden in the Preamble.
Fifteenth and Sixteenth Years of Her Majesty (Chapter 15 & 16 Vict.
Sixty-three), “to amend the Laws relating to the Valuation c. 63.
of Rateable Property in Ireland,” and such Act was amended by
5 an Act of the last Session of Parliament, Chapter Seven : And whereas 16 & 17 Vict.
it is expedient further to amend the said Act of the Fifteenth and Six- c. 7.
teenth Years of Her Majesty : Be it therefore enacted by the Queen’s
most Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
10 ment assembled, and by the Authority of the same, as follows :

I. The said Act of the last Session of Parliament, and Sections 16 & 17 Vict.
Fifteen, Twenty-nine, and Thirty of the firstly herein-before men- c. 7., and
tioned Act, and so much of Section Twenty-five of the same Act Sections 15.
as enacts that on the Receipt by the Treasurer of any County 29. and 30.
15 of such final Lists as therein mentioned of any Barony or of the and Part of
whole Number of Baronies in such County such Treasurer shall Section 25. of
strike out from the Columns in such final Lists relating to Buildings 15 & 16 Vict.
the Valuations of each and every House in each Tenement and c. 63., re-
[Bill 25.] A Townland pealed.]

Townland the net annual Value of which House as therein stated shall not exceed Five Pounds, and shall deduct the Sum of such Valuations of Houses valued under Five Pounds and so struck out from the total Amount of the Valuation of such respective Tenement and Townland, and that the Valuation of each Tenement and Town- 5 land after such Deduction shall be deemed to be the Value thereof for the Purposes of County Assessments, shall be repealed.

Commis-
sioner of
Valuation
shall distin-
guish all
Houses of a
public Na-
ture or used
for charitable
Purposes
which shall
be exempted
from Assess-
ment.

II. In making out the Lists or Tables of Valuation mentioned in the said firstly herein-before mentioned Act, the Commissioner of Valuation shall distinguish all Hereditaments and Tenements, or 10 Portions of the same, of a public Nature, or used for charitable Purposes, or for the Purposes of Science, Literature, and the Fine Arts, as specified in an Act of the Sixth and Seventh Years of Her Majesty, Chapter Thirty-six, and the Valuation of the same shall be deducted from the gross Amount of the Valuation of the Hereditaments and 15 Tenements comprised in each such List or Table; and all such Hereditaments or Tenements, or Portions of the same, so distinguished and deducted, shall, so long as they shall continue to be of a public Nature or used for the Purposes aforesaid, be deemed exempt from all Assessment for the Relief of the destitute Poor in Ireland and for Grand 20 Jury and County Rates: Provided always, that *Half* the annual Rent derived by the Owner or other Person interested in any Tenements or Hereditaments so distinguished shall be included in such List or Tables, so far as the same can or may be ascertained by the said Commissioner of Valuation. 25

Half of the
Rent derived
by Owner,
&c. to be
entered in
Valuation
Lists.

After Re-
ceipt of final
and reserved
Lists by
County Treas-
urer County
Rates to be
levied accord-
ing to such
Lists.

15 & 16 Vict.
c. 63. ss. 26.
& 33.

III. From and after the *Commencement of the Assizes* next ensuing the Day on which any final Lists or revised Lists of Valuation men- tioned in Sections Twenty-six and Thirty-three of the firstly herein- before mentioned Act shall be received by the Treasurer of any County, all County or Grand Jury Rates and Assessments to be 30 made, presented, or ordered in or for such County or any Townland therein shall be levied within the respective Townlands or Townland, and on the Tenements and Hereditaments therein, according to such final or revised Valuations, in manner directed by Sections Twenty-six and Thirty-three of the firstly herein-before mentioned Act, after the 35 Summer Assizes next ensuing the Day of such Receipt of such final and revised Lists respectively, and such Sections shall be construed as if the Word "*Summer*" in each of such Sections were omitted; but, save as regards such Omission, nothing in this Enactment shall be deemed to repeal, vary, or alter such Sections or either of them. 40

Revision of
the Valuation
of Tene-

IV. And for the Purpose of providing for the necessary Revision of the Valuation of the rateable Tenements and Hereditaments the Limits

Limits whereof shall become altered, and also of rateable Tenements or Hereditaments the annual Value of which is liable to frequent Alteration, such as Fisheries, Railways, Canals, Tolls of Roads, Bridges, Mines, Gas and Waterworks, and Buildings, be it enacted,

- 5 That on or before the *Tenth Day of May* and *Tenth Day of November* in each Year every Collector of Poor Rates within each Poor Law Union within which the Valuation of the rateable Hereditaments and Tenements has been or shall have been completed and shall be in operation shall make out and deliver to the Clerk of such
- 10 Union, to be by him laid before the Board of Guardians of such Union, a List of all the Tenements or Hereditaments situate within every Townland in the said Union and within his District the Valuation of which Tenements shall require Revision for any of the Reasons aforesaid, or in respect of any Property the annual Value of which is liable
- 15 to frequent Alteration as aforesaid; and if any such Collector shall fail or neglect to make out such List according to the best of his Ability, and deliver the same to the Clerk of the Union as aforesaid; within the Period aforesaid, he shall for every such Neglect or Default be liable to a Penalty not exceeding *Five Pounds*; and any Ratepayer
- 20 within any Poor Law Union may within the same Period make out and deliver to the Clerk of the Union, to be by him laid before the Board of Guardians thereof, a List of any Tenements the Valuation of which shall in his Opinion require Revision; and the Clerk of each Poor Law Union shall for *Ten Days* after receiving any such List
- 25 leave a Copy thereof open for public Inspection at the Workhouse of such Union, and permit Extracts to be made therefrom, and shall on or before the *Twenty-second Day of May* and *Twenty-second Day of November* in each Year make out a full and complete List of all Tenements and Property mentioned in such Lists delivered to him as
- 30 aforesaid on or before the *Tenth Day* of the same Month, and transmit the List so made out by him to the Commissioner of Valuation, with the Opinion of the said Board of Guardians whether such Revision is necessary on account of such Changes or Alterations.

ments liable to frequent Alteration.

Penalty on Collector for not returning List for Revision.

- V. On or before the *First Day of the Assizes* to be held for any
- 35 County next after the Receipt of such Lists for the several Poor Law Unions in such County, the Commissioner of Valuation shall cause a Revision to be made of the Valuation of the Tenements in the several Townlands and Parishes within such County, or any Barony or Poor Law Union therein, where such Revision shall have been recommended
- 40 by the Board of Guardians as aforesaid, and appoint fit and proper Persons to revise the Valuation of the Tenements so requiring Revision, and the Person making such Revision shall have regard to the total Valuation of the Lands, independently of Buildings, within each respective Townland or other Denomination, as finally decided

Commissioner of Valuation shall cause a Revision to be made of such Tenements, and transmit a List to the Guardians of the Union and to the Treasurer of the County, &c.

on by the Commissioner of Valuation, or by the Court at any General or Quarter Sessions of the Peace, under the Provisions of the firstly herein-before mentioned Act, and shall not increase or lessen such total Valuation, and as soon as the said Revision shall have been completed the Commissioner of Valuation shall make out and prepare 5 a revised List or Lists of the Valuation of the rateable Hereditaments and Tenements within such County or any Barony thereof, or within such Poor Law Union, or a List of the Tenements so revised as aforesaid, and shall sign the same, and transmit a sufficient Number of printed or written Copies of such List or Lists, so signed by him, in 10 the Form set forth in the Schedule to the firstly herein-before mentioned Act annexed, to the Guardians of each Union, and to the Town Council of any Borough within which any Tenements contained in any such List are situate, and likewise to the Treasurer of the County; and the Clerk of such Union shall forthwith make every 15 such List public by all and every the same Ways and Means as are directed by Section Twenty-eight of such Act concerning the Lists in such Section mentioned.

Grand Jury of respective Counties may present the Cost incurred in making out Applotments of Tenements for assessing Rates.

VI. It shall be lawful for the Grand Jury of any County the Tenement Valuation whereof has been or shall hereafter be com- 20 pleted, from Time to Time, without previous Application to Presentment Sessions, to present to be raised off each such County all such reasonable and necessary Sum or Sums to be paid for applotting or assessing the County or Baronial Rates payable out of any Tenements or Hereditaments within such County upon such Tenements and 25 Hereditaments according to the Valuation thereof contained in such Lists of Valuation, and for making out all such Assessment, Collecting, Receipt, or other Books and Documents which may be required for the applotting and Collection of same upon such Valuation.

15 & 16 Vict. c. 63. and this Act to be as One Act.

VII. The firstly herein-before mentioned Act and this Act shall be 30 construed together as One Act.

Valuation.

(Ireland.)

A

B I L L

Further to amend an Act relating to
the Valuation of rateable Property in
Ireland.

(*Prepared and brought in by*
Sir John Young and Mr. Solicitor General
for Ireland.)

Ordered, by The House of Commons, to be Printed,
23 February 1854.

Under 1 oz.

[B11 25.]

Valuation (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Sections 15. 29. and 30., and Part of Section 25. of 15 & 16 Vict. c. 63., and the whole of 16 & 17 Vict. c. 7., repealed ; Sect. 1.

Commissioner of Valuation shall distinguish all Houses of a public Nature or used for charitable Purposes which shall be exempted from Assessment ; Half of the Rent derived by Owner, &c. to be entered in Valuation Lists ; 2.

Grand Jury may direct Lists to be acted upon at the First Assizes after their Receipt, although Spring Assizes ; 3.

Revision of the Valuation of Tenements liable to frequent Alteration. Penalty on Collector for not returning List for Revision ; 4.

Commissioner of Valuation shall cause a Revision to be made of such Tenements, and transmit a List to the Guardians of the Union and to the Treasurer of the County, &c. ; 5.

15 & 16 Vict. c. 63. and this Act to be as One Act ; 6.

2 March 1854. 17 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

FURTHER

To amend an Act relating to the Valuation of
rateable Property in Ireland.

WHEREAS an Act was passed in the Session holden in the Preamble.
Fifteenth and Sixteenth Years of Her Majesty (Chapter 15 & 16 Vict.
Sixty-three), "to amend the Laws relating to the Valuation c. 63.
of Rateable Property in Ireland," and such Act was amended by
5 an Act of the last Session of Parliament, Chapter Seven : And whereas 16 & 17 Vict.
it is expedient further to amend the said Act of the Fifteenth and Six- c. 7.
teenth Years of Her Majesty : Be it therefore enacted by the Queen's
most Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
10 ment assembled, and by the Authority of the same, as follows :

I. The said Act of the last Session of Parliament, and Sections 16 & 17 Vict.
Fifteen, Twenty-nine, and Thirty of the firstly herein-before men- c. 7., and
tioned Act, and so much of Section Twenty-five of the same Act Sections 15.
as enacts that on the Receipt by the Treasurer of any County 29. and 30.
15 of such final Lists as therein mentioned of any Barony or of the and Part of
whole Number of Baronies in such County such Treasurer shall Section 25. of
strike out from the Columns in such final Lists relating to Buildings 15 & 16 Vict.
the Valuations of each and every House in each Tenement and c. 63., re-
[Bill 34.] A Townland pealed.

Townland the net annual Value of which House as therein stated shall not exceed Five Pounds, and shall deduct the Sum of such Valuations of Houses valued under Five Pounds and so struck out from the total Amount of the Valuation of such respective Tenement and Townland, and that the Valuation of each Tenement and Town- 5 land after such Deduction shall be deemed to be the Value thereof for the Purposes of County Assessments, shall be repealed.

Commis-
sioner of
Valuation
shall distin-
guish all
Houses of a
public Na-
ture or used
for charitable
Purposes
which shall
be exempted
from Assess-
ment.

Half of the
Rent derived
by Owner,
&c. to be
entered in
Valuation
Lists.

II. In making out the Lists or Tables of Valuation mentioned in the said firstly herein-before mentioned Act, the Commissioner of Valuation shall distinguish all Hereditaments and Tenements, or 10 Portions of the same, of a public Nature, or used for charitable Purposes, or for the Purposes of Science, Literature, and the Fine Arts, as specified in an Act of the Sixth and Seventh Years of Her Majesty, Chapter Thirty-six; and all such Hereditaments or Tenements, or Portions of the same, so distinguished, shall, so long as they shall con- 15 tinue to be of a public Nature or used for the Purposes aforesaid, be deemed exempt from all Assessment for the Relief of the destitute Poor in Ireland and for Grand Jury and County Rates: Provided always, that Half the annual Rent derived by the Owner or other Person interested in any Tenements or Hereditaments so distin- 20 guished shall be included in such List or Tables, so far as the same can or may be ascertained by the said Commissioner of Valuation.

Grand Jury
may direct
Lists to be
acted upon at
the First As-
sises after
their Receipt
although the
Spring
Assises.

III. Where the Assizes for any County next ensuing the Day on which any final Lists or finally revised Lists of Valuation mentioned in Sections Twenty-six and Thirty-three of the firstly herein-before 25 mentioned Act shall be received by the Treasurer of such County happen to be the Spring Assises, it shall be lawful for the Grand Jury of such County at such Assises, if they so think fit, to direct that the Valuations contained in such final or finally revised Lists shall, from and after the Commencement of such Assises, be in force and be acted 30 upon for the Purposes mentioned in the said Sections Twenty-six and Thirty-three as if such Assises were the Summer Assises next ensuing the Day of such Receipt of such final and finally revised Lists respectively, and such Lists shall be so acted upon accordingly.

Revision of
the Valuation
of Tene-
ments liable
to frequent
Alteration.

IV. And for the Purpose of providing for the necessary Revision 35 of the Valuation of the rateable Tenements and Hereditaments the Limits whereof shall become altered, and also of rateable Tenements or Hereditaments the annual Value of which is liable to frequent Alteration, such as Fisheries, Railways, Canals, Tolls of Roads, Bridges, Mines, Gas and Water Works, and Buildings, be it 40 enacted, That on the Fifteenth Day of November in each Year every Collector of Poor Rates within each Poor Law Union within which

which the Valuation of the rateable Hereditaments and Tenements has been or shall have been completed and shall be in operation shall make out and deliver to the Clerk of such Union, to be by him laid before the Board of Guardians of such Union, a
 5 List of all the Tenements or Hereditaments situate within every Townland in the said Union and within his District the Valuation of which Tenements shall require Revision for any of the Reasons aforesaid, or in respect of any Property the annual Value of which is liable to frequent Alteration as aforesaid; and if any such Collector shall
 10 fail or neglect to make out such List according to the best of his Ability, and deliver the same to the Clerk of the Union as aforesaid, within the Period aforesaid, he shall for every such Neglect or Default be liable to a Penalty not exceeding Five Pounds; and any Ratepayer within any Poor Law Union may within the same Period make out
 15 and deliver to the Clerk of the Union, to be by him laid before the Board of Guardians thereof, a List of any Tenements the Valuation of which shall in his Opinion require Revision; and the Clerk of each Poor Law Union shall for Ten Days after receiving any such List leave the same open for public Inspection at the Workhouse of
 20 such Union, and permit Extracts to be made therefrom, and shall on or before the Twenty-seventh Day of November in each Year make out a full and complete List of all Tenements and Property mentioned in such Lists delivered to him as aforesaid on or before the Fifteenth Day of the same Month, and transmit the List so made out
 25 by him to the Commissioner of Valuation, with the Opinion of the said Board of Guardians whether such Revision is necessary on account of such Changes or Alterations.

Penalty on Collector for not returning List for Revision.

V. On or before the First Day of Summer Assizes to be held for any County next after the Receipt of such Lists for the several Poor Law
 30 Unions in such County, the Commissioner of Valuation shall cause a Revision to be made of the Valuation of the Tenements in the several Townlands and Parishes within such County, or any Barony or Poor Law Union therein, and appoint fit and proper Persons to revise the Valuation of the Tenements so requiring Revision, and the Person
 35 making such Revision shall have regard to the total Valuation of the Lands, independently of Buildings, within each respective Townland or other Denomination, as finally decided on by the Commissioner of Valuation, or by the Court at any General or Quarter Sessions of the Peace, under the Provisions of the firstly herein-before mentioned
 40 Act, and shall not increase or lessen such total Valuation, except in Cases in which a clerical Error shall have been discovered, when the same may be rectified; and as soon as the said Revision shall have been completed the Commissioner of Valuation shall make out and prepare a revised List or Lists of the Valuation of the rateable

Commissioner of Valuation shall cause a Revision to be made of such Tenements, and transmit a List to the Guardians of the Union and to the Treasurer of the County, &c.

Hereditaments and Tenements within such County or any Barony thereof, or within such Poor Law Union, or a List of the Tenements, so revised as aforesaid, and shall sign the same, and transmit printed or written Copies of such List or Lists, so signed by him, in the Form set forth in the Schedule to the firstly herein-before mentioned Act annexed, to the Guardians of each Union, and to the Town Council of any Borough within which any Tenements contained in any such List are situate, and likewise to the Treasurer of the County; and the Clerk of such Union shall forthwith make every such List public by all and every the same Ways and Means as are directed by Section Twenty-eight of such Act concerning the Lists in such Section mentioned. 5 10

15 & 16 Vict.
c. 63. and
this Act to
be as One
Act.

VI. The firstly herein-before mentioned Act and this Act shall be construed together as One Act.

Valuation.

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE]

Further to amend an Act relating to
the Valuation of rateable Property in
Ireland.

(Prepared and brought in by
Sir John Young and Mr. Solicitor General
for Ireland.)

*Ordered, by The House of Commons, to be Printed,
2 March 1854.*

[Bill 34.]

Under 1 oz.



(Scotland.)

A

B I L L

FOR

The Valuation of Lands and Heritages in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient that One uniform Valuation be Preamble
established of Lands and Heritages in Scotland, accord-
ing to which all public Assessments leviable or that may
be levied upon the real Rent of such Lands and Heritages may
5 be assessed and collected, and that Provision be made for such
Valuation being annually revised: Be it therefore enacted by the
Queen's most Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, as follows:—

- 10 I. The Commissioners of Supply of every County and the Commission-
ers of Supply
and Magis-
trates of
Burghs to
make up
Valuation
Roll an-
nually.
Magistrates of every Burgh in Scotland shall annually cause
to be made up a Valuation Roll, showing the yearly Rent or
Value for the Time of the whole Lands and Heritages within such
County or Burgh respectively, and separately within each Parish or
15 Part of a Parish situated within such County or Burgh respectively,
and specifying in each Case the Nature of such Lands and Heritages,
and the Names and Designations of the Proprietors and of the
Tenants and of the Occupiers thereof respectively.

II. In order to the making up of such Valuation, the Commis- Appoint-
ment and
Duties of
Assessors.
20 sioners of Supply of each County and the Magistrates of each Burgh
[Bill 3.] A shall, Assessors.

shall, as Occasion requires, appoint One or more fit and proper Persons to be Assessors or Assessor for the Purposes of this Act; and it shall be the Duty of such Assessors annually to ascertain and assess the yearly Rent or Value of the several Lands and Heritages within the County or Burgh respectively, and to make up such Valuation 5 Roll thereof in the Manner by this Act prescribed; and every such Assessor shall be appointed either for the whole County or Burgh, or for some particular Portion or District thereof to be prescribed by the Commissioners of Supply or Magistrates respectively; and every such Assessor shall, on being appointed by the said Commis- 10 sioners of Supply or Magistrates respectively, and before entering upon the Duties of his Office, be sworn faithfully and honestly to perform the Duties thereof; and every such Assessor shall be removeable at the Pleasure of the said Commissioners or Magistrates respectively.

Assessors to
make up
Valuation
Roll by 31st
January in
each Year.

III. In every County and Burgh the First Valuation Roll to be 15 made up under this Act shall be made up by the Assessors acting under this Act on or before the *Thirty-first Day of January, One thousand eight hundred and fifty-five*; and a new Valuation Roll shall be annually made up by the Assessors on or before the *Thirty-first Day of January* in every subsequent Year. 20

Notice to be
given to
Persons
whose Pro-
perty is
valued.

IV. As soon as may be after such Valuation Roll shall have been made up by the Assessors as aforesaid, and at latest by the *First Day of March* in each Year, the Assessor shall transmit or cause to be transmitted to each Person included in his Valuation, whether as Proprietor or Tenant or Occupier, a Copy of every Entry in such 25 Valuation Roll wherein such Person shall be set forth either as Proprietor or Tenant or Occupier, along with a Notice to such Person that if he considers himself aggrieved by such Valuation he may appeal against the same to the Commissioners of Supply of the County or to the Magistrates of the Burgh, as the Case may be, in 30 Terms of this Act, or may obtain Redress without the Necessity of such Appeal, by satisfying the Assessor, on or before the *Thirty-first Day of March* next ensuing, that he has well-founded Ground of Complaint: Provided always, that where, in making up his Valuation as aforesaid, the Assessor is merely to repeat an Entry which occurred in 35 the Valuation of the immediately preceding Year, it shall not be necessary for the Assessor to transmit such Copy and Notice as aforesaid to the Person or Persons specified in such merely repeated Entry.

Yearly Rent
or Value, how
to be
estimated.

V. In estimating the annual Value of Lands and Heritages under this Act, the same shall be taken to be the Rent at which, one Year 40 with another, such Lands and Heritages might in their actual State be reasonably expected to let from Year to Year, under Deduction of the probable annual average Cost of the Repairs, Insurance, and other Expenses,

Expenses, if any, necessary to maintain such Lands and Heritages in their actual State, and all Rates, Taxes, and public Charges payable out of the same.

VI. Where a Portion only of a Canal or Railway shall be situated in any Parish of a County or Burgh, the annual Value of such Portion shall be deemed and taken to be according to the lineal Measurement of such Portion as compared with the entire Length of such Canal or Railway.

How Portions of Canals or Railways to be dealt with.

VII. It shall be lawful for any Assessor acting under this Act to call upon any Person, being a Proprietor or Tenant or Occupier within the County or Burgh or District for which such Assessor is appointed, for a written Statement of the yearly Rent or Value and of all other Particulars required by this Act of all Lands and Heritages within such County or Burgh or District of which such Person is Proprietor or Tenant or Occupier; and if any such Person shall, without reasonable Excuse, fail to furnish such written Statement to such Assessor within *Fourteen Days* after he shall be called upon in Writing so to do, he shall be liable to pay a Penalty of *Twenty Pounds*; and if any such Person shall wilfully present or cause to be presented to such Assessor any false Statement of such yearly Rent or Value or other Particulars as aforesaid, he shall be liable to pay a Penalty of *Fifty Pounds*.

Assessor may call for written Statement of Rent.

VIII. The Commissioners of Supply of every County and the Magistrates of every Burgh shall annually on or before the *First Day of May* in each Year hold a Meeting for hearing Appeals under this Act, which Meeting may be adjourned from Time to Time; and at such original or adjourned Meeting or Meetings, and at latest on or before the *Thirty-first Day of May* in each Year, all Appeals and Complaints under this Act shall be disposed of; and the Deliverances of such Commissioners and Magistrates respectively upon such Appeals and Complaints shall be final and conclusive, and not subject to Review.

Commissioners of Supply, &c. to hold Courts of Appeal.

IX. All Persons whose Names shall have been entered by the Assessors in the Valuation Roll of the County or Burgh respectively, whether as Proprietors or Tenants or Occupiers, shall be entitled to appeal to the said Commissioners or Magistrates, as the Case may be, with reference to such Entry: Provided always, that the Appellant shall, *Ten Days* at least before such Appeal is heard, intimate in Writing to the Assessor that he is to maintain such Appeal, and specify the Amount of Valuation which he alleges should be substituted for the Amount stated by the Assessor.

Persons entitled to appeal.

Procedure
at Appeal
Courts.

X. It shall be competent to the Commissioners of Supply and Magistrates of Burghs acting under this Act, in the hearing of Appeals to examine the Parties and their Witnesses on Oath, and to call for all Papers and Documents which they may deem necessary ; and every Court of Appeal shall be attended by the Assessors by whom the several Valuations under Appeal were made, and such Assessors shall answer upon Oath all competent Interrogatories which may be put to them with reference to the Matters involved in such Appeals ; and it shall not be necessary for the Court of Appeal to keep any formal Record of their Proceedings, but they may, if they think proper, 10
cause any Deposition which may be made before them to be taken down in Writing, and signed by the Deponent, and authenticated by One of their own Number as having been made in their Presence, and every such Deposition so taken down, signed, and authenticated, shall be deemed and taken to be good Evidence in any Prosecution 15
for Perjury.

Valuation
Roll to be
retained by
Assessor till
31st March
yearly, and
thereafter to
be open to
Inspection.

XI. The Valuation Roll, when made up by the Assessor, shall be retained by him until the *Thirty-first Day of March* in each Year, when he shall transmit it to the Clerk of Supply of the County or to the Town Clerk of the Burgh, as the Case may be, or if there be 20
no Town Clerk, to such other Person as the chief or senior Magistrate of the Burgh, or if there be no such Magistrate the Sheriff of the County, may specially appoint for the Purpose ; and it shall thereafter remain in the Office of such Clerk of Supply or Town Clerk, or other Person specially appointed as aforesaid, patent to 25
every Person having Interest therein, either as Proprietor, Tenant, or Occupier, and no Fee of any kind shall be charged to any such Person for Liberty to inspect the same.

Valuation
Roll, when
completed, to
be authenti-
cated, and to
be in force
for a Year.

XII. As soon as all Appeals taken under this Act shall have been disposed of by the Commissioners of Supply of the County or by 30
the Magistrates of the Burgh, as the Case may be, and the Valuation of the County or Burgh shall have been thereby completed, the said Valuation Roll shall be authenticated in Counties by the Signature of the Convener of the County, or in his Absence of the Clerk of Supply, and in Burghs by the Signature of the chief or senior 35
Magistrate, or in his Absence of the Town Clerk or other Person whom the Magistrates may authorize for that Purpose, and such Valuation Roll shall then be in force as the Valuation Roll of the County or Burgh, as the Case may be, for the Year commencing at the Term of Martinmas immediately preceding, and ending at the 40
Term of Martinmas immediately following.

XIII. If

XIII. If any Complaint shall be made to the Commissioners of Supply of any County or to the Magistrates of any Burgh, to the Effect that the yearly Rent or Value of any Lands or Heritages within such County or Burgh respectively has been stated by the Assessor in the Valuation Roll of such County or Burgh at less than the just and true Amount thereof, such Commissioners of Supply and Magistrates respectively may, if they think fit, make Inquiry into such Complaint, after giving Notice to the Proprietor and Occupier of such Lands or Heritages of the Time and Place when such Inquiry will be gone into, and may thereupon raise the Amount of the yearly Rent or Value of such Lands and Heritages in the Valuation Roll of such County or Burgh to such Extent as after such Inquiry may appear to them to be just; and the Commissioners of Supply and Magistrates of Burghs respectively shall, in the Conduct of such Inquiries as aforesaid, have all the same Powers and Authorities as are by this Act conferred upon them with reference to Appeals.

Complaints
with regard
to Assessors
Valuations.

XIV. In all Proceedings under this Act any *Two* Commissioners of Supply of a County and any *Two* Magistrates of a Burgh shall be deemed to be a Quorum of such Commissioners and Magistrates respectively, and shall be entitled to exercise all the Powers conferred upon the general Body of Commissioners and Magistrates respectively under this Act, and when more than *Two* Commissioners or Magistrates are present the Majority shall rule the Decision, and where the Votes of those present shall be equal, the Convener of the County as regards the Commissioners of Supply, and the chief or senior Magistrate as regards the Magistrates of Burghs, shall have a Casting Vote.

Two Com-
missioners of
Supply or
Magistrates,
&c. to be a
Quorum.

XV. For the Purposes of this Act, the Signature of the Convener of the County, or of the Preses of a Meeting of Commissioners of Supply, adhibited to any Paper or Document, shall be equivalent to the Signatures of the whole Commissioners of Supply present at a Meeting thereof; and the Signature of the chief or senior Magistrate of the Burgh, or of the Preses of a Meeting of the Magistrates of the Burgh, adhibited to any Paper or Document, shall be equivalent to the Signatures of the whole Magistrates present at such Meeting; and the Addition to such Signatures respectively of the Words "Convener," or "chief Magistrate," or "senior Magistrate," or "Preses," shall be good *primâ facie* Evidence that such Signature is the Signature of such Convener, or chief or senior Magistrate, or Preses, as the Case may be, and that such Paper or Document is genuine and authentic.

Papers and
Documents
emanating
from Com-
missioners of
Supply, &c.
how to be
authenti-
cated.

Expenses of
Valuations,
how to be
defrayed.

XVI. After the Completion of each annual Valuation under this Act, the Commissioners of Supply of each County and the Magistrates of each Burgh shall cause an Account to be made up of their Costs and Expenses attending the same, and shall ascertain and fix the just Amount thereof, and shall assess such Amount, along with such 5 reasonable Sum as they may deem necessary to meet the Expenses of Collection, upon the Lands and Heritages within their County or Burgh respectively, by a rateable Assessment upon such Lands and Heritages according to the yearly Rent or Value thereof as fixed by such Valuation, and the Proprietors and Occupiers of such Lands and 10 Heritages shall be liable to pay such Assessment equally between them; and such Assessment may be levied in the first instance wholly from the Occupier, and where so levied it shall be lawful for the Occupier to recover the same, to the Extent of One Half thereof, from the Proprietor, and to deduct such Half from the Proprietor in 15 accounting for his Rent; and any Balance of Funds remaining on hand from Time to Time in any County or Burgh, arising from the Assessment so laid on under this Act in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Commissioners of 20 Supply of each County and the Magistrates of each Burgh respectively in such Manner as they may deem fit for defraying the Expenses of making up Valuation Rolls under this Act in subsequent Years, but for no other Uses or Purposes whatever.

Mistake or
Misnomer
not to affect
Valuation.

XVII. No Valuation of any Lands or Heritages contained in any 25 Valuation Roll under this Act shall be rendered void or be affected by reason of any Mistake or Variance in the Names of such Lands or Heritages, or in the Christian or Surname or Designation of any Proprietor or Tenant or Occupier thereof; and no Valuation Roll which shall be made up and authenticated in Terms of this Act, and 30 no Valuation which shall be contained therein, shall be challengeable, or be capable of being set aside or rendered ineffectual, by reason of any Informality, or of any Want of Compliance with the Provisions of this Act, in the Proceedings for making up such Valuation or Valuation Roll. 35

Poor Assess-
ment to be
levied upon
Valuations
established
by this Act.
8 & 9 Vict.
c. 83.

XVIII. When Valuations of the Lands and Heritages in Scotland shall have been established under this Act, the Valuations in force for the Time being under this Act shall form the Basis of every Assess- ment upon Lands and Heritages which shall thereafter be assessed and levied under an Act passed in the Session of Parliament holden in the 40 Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act for the Amendment and better Administration of the Law relating to the Relief of the Poor in Scotland;" and from and after the the

the Establishment of such Valuations no Assessment under the said recited Act shall be assessed or levied either wholly or partially upon Means and Substance, but every such Assessment shall be assessed and levied, *One Half* upon the Owners and the other *Half* upon the
 5 Tenants and Occupiers of all Lands and Heritages within the Parish or Combination to which the present Assessment applies, rateably according to the annual Value of such Lands and Heritages, in Terms of the said recited Act; and the said recited Act is hereby repealed to the Extent which may be necessary to give Effect to this Enactment,
 10 but no further.

XIX. From and after the Establishment of Valuations of the Lands and Heritages in Scotland under this Act, every Assessment which shall be assessed or levied under an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her
 15 present Majesty, intituled "An Act to improve Prisons and Prison Discipline in Scotland," upon any Lands or Heritages, according to the annual Value of such Lands, or Heritages, shall be assessed and levied upon the Basis of the Valuations for the Time being established under this Act; and the said last-recited Act is
 20 hereby repealed to the Extent which may be necessary to give Effect to this Enactment, but no further.

Prison Assessment, when on real Rent, to be upon Valuations established by this Act. 2 & 3 Vict. c. 42.

XX. Where in any County or Burgh any County, Municipal, Parochial, or other public Assessment, or any Assessment under any Act of Parliament, is assessed upon the real Rent of Lands and
 25 Heritages, the yearly Rent or Value of such Lands and Heritages, as appearing from the Valuation Roll in force for the Time under this Act in such County or Burgh, shall, from and after the Establishment of such Valuation therein be always deemed and taken to be the just Amount of such real Rent for the Purposes of
 30 such County, Municipal, Parochial, or other Assessment, and such Assessments shall be assessed and levied according to such yearly Rent or Value accordingly, any Law or Usage to the contrary notwithstanding.

Other Public Assessments levied on real Rent to be levied upon Valuations established by this Act.

XXI. As soon as each annual Valuation Roll of a County or of a
 35 Burgh, not being a Burgh sending or contributing to send a Member to Parliament, shall have been completed under this Act, the Sheriff Clerk of such county is hereby authorized and required to make or procure a Copy of the same, and such Copy shall be retained by the Sheriff Clerk in his Office, patent to all Parties having Interest
 40 therein; and the necessary Outlays by the Sheriff Clerk connected with

Sheriff Clerk to procure Copy of Valuation Roll for Purposes of Registration.

such Copies shall be charged by the Sheriff of the County in his public Accounts.

Valuation
Roll to be
Evidence in
Registration
and Appeal
Courts.

XXII. In all Questions and Proceedings under any Act of Parliament relating to the Franchise, or to the Representation of the People in Parliament, it shall be sufficient to refer to an Entry in the Valuation Roll in force for the Time under this Act in any County or Burgh, and such Entry shall be received and taken in all such Questions and Proceedings as conclusive Proof that the yearly Rent or Value of the Lands or Heritages specified therein is of the Amount therein set forth, and also as sufficient Evidence that the Persons stated therein to be Proprietors, Tenants, or Occupiers thereof are such Proprietors, Tenants, and Occupiers respectively, until the contrary be proved ; and it shall be the Duty of every Sheriff Clerk of a County and Town Clerk of a Burgh officiating or who ought to officiate at any Registration Court or Court of Appeal under any such Act of Parliament, and possessed or who ought to be possessed of a Copy of any Valuation Roll of a County or Burgh, as the Case may be, in force for the Time under this Act, to have such Valuation Roll on the Table of such Registration Court or Court of Appeal, as the Case may be, for Reference, as aforesaid.

Boundaries
of Burghs.

XXIII. The Limits and Boundaries of such Burghs as send, or contribute to send a Member or Members to Parliament shall for the Purposes of this Act, and for the Purposes of the before-recited Acts of the Eighth and Ninth and Second and Third Years of the Reign of Her present Majesty, be taken and held to be according to the Description and Specification of such Limits and Boundaries which may be prescribed by any Act of the present Session of Parliament, and failing thereof which are prescribed by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Representation of the People in Scotland :—" Provided always, that if the Boundaries of any Burgh shall not be prescribed by any Act of the present Session of Parliament, and are not prescribed by the before-recited Act of the Second and Third Years of the Reign of His Majesty King William the Fourth, the same shall be determined by the Sheriff of the Sheriffdom in which such Burgh is situated, or, if such Burgh be situated partly in one County and partly in another, by the Sheriff of that Sheriffdom in which the greater Part of such Burgh may be situated ; and as soon as may be after the passing of this Act, every Sheriff to whom such Power of fixing the Boundaries of any Burgh for the Purposes of this Act and of the foresaid Two Acts of the Reign of Her present Majesty is

is hereby committed, shall, by Letter, to be addressed by him to the chief or senior Magistrate or other Administrator on behalf of such Burgh, require such Magistrate or other Administrator of such Burgh to attend him at a Time and Place to be fixed in such Letter, and shall
 5 at such Time and Place, or at any Time or Place to which the Sheriff may adjourn the Inquiry, take such Evidence as may be adduced to him, or as he may think necessary, and shall thereupon, by Writing under his Hand, fix and determine the Boundaries of such Burgh for the Purposes of this Act and of the aforesaid Two Acts of the Reign
 10 of Her present Majesty, and shall cause such written Determination to be recorded in the Sheriff Court Books of his County, and shall furnish an official Extract therefrom to such Magistrate or Administrator; and such Determination shall, when so recorded, fix and determine the Boundaries of such Burgh for the Purposes of this and
 15 the aforesaid Acts.

XXIV. Every Penalty imposed by this Act may be recovered by summary Proceeding, upon Complaint in Writing made in Name of an Assessor under this Act to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of any County in
 20 which the Offender may be found; and on such Complaint being made such Sheriff shall issue a Warrant or Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving with some Inmate at
 25 his usual Place of Abode a Copy of such Order, and of the Complaint whereupon the same has proceeded; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff to proceed to the Hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party com-
 30 plained against, or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty incurred, as well as such Expenses as the Sheriff shall think fit, and to grant Warrant for imprisoning the Offender until such
 35 Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Expenses shall not have been paid, which Period shall in no Case exceed *Three Calendar Months*.

40 XXV. The Sheriff by whom any Penalty shall be imposed by virtue of this Act shall award such Penalty to be applied for the Purposes of this Act within the County in which the Offence was
 [3.] B committed

Recovery of
Penalties.

Application
of Penalties.

committed, and shall order the same to be paid over to the Complainer, or to some other Person for that Purpose: Provided always, that no Person shall be liable to the Payment of any Penalty imposed by virtue of this Act unless such Penalty shall have been prosecuted for within *Six Calendar Months* after the Commission of the Offence for 5 which it has been incurred.

Interpreta-
tion Clause.

XXVI. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except when the Nature of the Provision or the Context of the Act shall exclude or be repugnant to such Construction; (that is 10 to say,) the Expression "Lands and Heritages" shall extend to and include all Lands, Houses, Teinds, Fishings, Ferries, Quays, Wharfs, Docks, Canals, Railways, Mines, Minerals, Quarries, Coalworks, Waterworks, Limeworks, Brickworks, Ironworks, Gasworks, Factories, and all Buildings and Pertinents thereof; the Word "Oath" shall include 15 the Affirmation of a Quaker, Separatist, or Moravian; the Word "Proprietor" shall apply to Liferenters as well as Fiars, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wadsetters, or other Persons who shall be in the actual Receipt of the Rents and Profits of Lands and Heritages; the Word "Burgh" shall include and apply to 20 the Cities, Burghs, and Towns which are Royal Burghs; or which send or contribute as Burghs to send a Member to Parliament; the Expression "Magistrates of Burghs" shall include the Lord Provost or Provost or Chief Magistrate and Magistrates and Councils of Burghs; the Word "County" shall include "Stewartry," and shall 25 include and apply to a County exclusive of the Burghs situated therein.

Valuation of Lands.

(Scotland.)

A

BILL

FOR

The Valuation of Lands and Heritages
in Scotland.

(*Prepared and brought in by
The Lord Advocate and Viscount Palmerston.*)

*Ordered, by The House of Commons, to be Printed,
6 February 1854.*

[Bill 3.]

Under 2 oz.

10 April 1854. 17 VICT.



(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The Valuation of Lands and Heritages in Scotland.

[Note.—*The Clauses marked A. to P. and the Schedule were added by the Committee.*]

WHEREAS it is expedient that One uniform Valuation be established of Lands and Heritages in Scotland, according to which all public Assessments leviable or that may be levied upon the real Rent of such Lands and Heritages may be assessed and collected, and that Provision be made for such Valuation being annually revised: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :—

Preamble.

- 10 I. The Commissioners of Supply of every County and the Magistrates of every Burgh in Scotland shall annually cause to be made up a Valuation Roll, showing the yearly Rent or Value for the Time of the whole Lands and Heritages within such County or Burgh respectively, and separately within each Parish or Part of a Parish situated within such County or Burgh respectively, and specifying in each Case the Nature of such Lands and Heritages, and the Names and Designations of the Proprietors or reputed Proprietors, and where there are Tenants or Occupiers, of the Tenants and of the Occupiers thereof respectively.

Commissioners of Supply and Magistrates of Burghs to make up Valuation Roll annually.

[Bill 69.]

A

II. In

Appoint-
ment and
Duties of
Assessors.

II. In order to the making up of such Valuation, the Commissioners of Supply of each County and the Magistrates of each Burgh shall, as Occasion requires, appoint One or more fit and proper Persons to be Assessors or Assessor for the Purposes of this Act; and it shall be the Duty of such Assessors annually to ascertain and assess the 5 yearly Rent or Value of the several Lands and Heritages within the County or Burgh respectively, other than the Lands and Heritages of Railway and Canal Companies, which are herein-after specially provided for, and to make up such Valuation Roll thereof in the Manner by this Act prescribed; and every such Assessor 10 shall be appointed either for the whole County or Burgh, or for some particular Portion or District thereof to be prescribed by the Commissioners of Supply or Magistrates respectively; and every such Assessor shall, on being appointed by the said Commissioners of Supply or Magistrates respectively, and before entering upon 15 the Duties of his Office, be sworn faithfully and honestly to perform the Duties thereof; and every such Assessor shall be removeable at the Pleasure of the said Commissioners or Magistrates respectively.

Assessors to
make up
Valuation
Roll by 15th
June in each
Year.

III. In every County and Burgh the First Valuation Roll to be made up as aforesaid under this Act shall be made up by the Asses- 20 sors acting under this Act on or before the Fifteenth Day of June One thousand eight hundred and fifty-five; and a new Valuation Roll shall be annually made up by the Assessors on or before the Fifteenth Day of June in every subsequent Year.

Notice to be
given to
Persons
whose Pro-
perty is
valued.

IV. As soon as may be after such Valuation Roll shall have been 25 made up by the Assessors as aforesaid, and at latest by the Fifteenth Day of July in each Year, the Assessor shall transmit or cause to be transmitted to each Person included in his Valuation, whether as Proprietor or Tenant or Occupier, a Copy of every Entry in such Valuation Roll wherein such Person shall be set forth either as Pro- 30 prietor or Tenant or Occupier, along with a Notice to such Person that if he considers himself aggrieved by such Valuation he may appeal against the same to the Commissioners of Supply of the County or to the Magistrates of the Burgh, as the Case may be, in Terms of this Act, or may obtain Redress without the Necessity of 35 such Appeal, by satisfying the Assessor, on or before the Thirty-first Day of July in each Year, that he has well-founded Ground of Complaint; and such Copy and Notice may be served by handing the same to such Person personally, or leaving the same, or sending it through the Post Office, at his Residence or usual Place of Abode; 40 and where the Residence or Place of Abode of such Person is unknown, it shall be sufficient if Service be made as aforesaid upon his Factor or Agent, or be addressed to him at the Office of the Sheriff

Sheriff Clerk of the County or Town Clerk of the Burgh, as the Case may be: Provided always, that where, in making up his Valuation as aforesaid, the Assessor is merely to repeat an Entry which occurred in the Valuation of the immediately preceding Year, it shall not be necessary for the Assessor to transmit such Copy and Notice as aforesaid to the Person or Persons specified in such merely repeated Entry.

V. In estimating the yearly Value of Lands and Heritages under this Act, the same shall be taken to be the Rent at which, one Year with another, such Lands and Heritages might in their actual State be reasonably expected to let from Year to Year; and where such Lands and Heritages are bonâ fide let for a yearly Rent conditioned as the fair annual Value thereof, without Grassum or Consideration other than the Rent, such Rent shall be deemed and taken to be the yearly Rent or Value of such Lands and Heritages in Terms of this Act: Provided always, that if such Lands and Heritages be let upon a Lease the stipulated Duration of which is more than Twenty-one Years from the Date of Entry under the same, or in the Case of Minerals more than Thirty-one Years from such Date of Entry, the Rent payable under such Lease shall not necessarily be assessed as the yearly Rent or Value of such Lands and Heritages, but such yearly Rent or Value shall be ascertained in Terms of this Act, irrespective of the Amount of Rent payable under such Lease, and the Lessee under such Lease shall be deemed and taken to be also the Proprietor of such Lands and Heritages in the Sense of this Act, but shall be entitled to Relief from the actual Proprietor thereof, and to Deduction from the Rent payable by him to such actual Proprietor, of such Proportion of all Assessments laid on upon the Valuations of such Lands and Heritages made under this Act, and payable by such Lessee as Proprietor in the Sense of this Act, as shall correspond to the Rent payable by such Lessee to such actual Proprietor as compared with the Amount of such Valuation: Provided always, that nothing contained in this Act shall affect the Power of Classification conferred by an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act for the Amendment and better Administration of the Law relating to the Relief of the Poor in Scotland."

Yearly Rent
or Value, how
to be
estimated.

VI. It shall be lawful for any Assessor acting under this Act to call upon any Person, being a Proprietor or reputed Proprietor or Tenant or Occupier within the County or Burgh or District for which such Assessor is appointed, for a written Statement of the yearly Rent or Value and of all other Particulars required by this Act of all Lands and Heritages within such County or Burgh or District of which such Person is Proprietor or reputed Proprietor, or Tenant or Occupier;

Assessor
may call for
written
Statement
Rent.

Occupier ; and if any such Person shall, without reasonable Excuse, fail to furnish such written Statement to such Assessor within Fourteen Days after he shall be called upon in Writing so to do, he shall be liable to pay a Penalty not exceeding Twenty Pounds ; and if any such Person shall present or cause to be presented to such Assessor 5 any false Statement of such yearly Rent or Value or other Particulars as aforesaid, he knowing the same to be false, he shall be liable to pay a Penalty of Fifty Pounds.

Commission-
ers of Sup-
ply, &c. to
hold Courts
of Appeal.

VII. The Commissioners of Supply of every County and the Magistrates of every Burgh shall annually on or before the Fifteenth 10 but not earlier than the First Day of August in each Year hold a Meeting for hearing Appeals against Valuations made by such Assessors as aforesaid under this Act, which Meeting may be adjourned from Time to Time ; and at such original or adjourned Meeting or Meetings, and at latest on or before the Thirty-first Day 15 of August in each Year, all such Appeals and Complaints under this Act shall be disposed of ; and the Deliverances of such Commissioners and Magistrates respectively upon such Appeals and Complaints shall be final and conclusive, and not subject to Review.

Persons
entitled to
appeal.

VIII. All Persons whose Names shall have been entered by the 20 Assessors in the Valuation Roll of the County or Burgh respectively, whether as Proprietors or Tenants or Occupiers, shall be entitled to appeal to the said Commissioners or Magistrates, as the Case may be, with reference to such Entry : Provided always, that the Appellant shall, Six Days at least before such Appeal is heard, intimate in 25 Writing to the Assessor that he is to maintain such Appeal, and specify the Amount of Valuation which he alleges should be substituted for the Amount stated by the Assessor.

Procedure
at Appeal
Courts.

IX. It shall be competent to the Commissioners of Supply and Magistrates of Burghs acting under this Act, in the hearing of Appeals 30 to examine the Parties and their Witnesses on Oath, and to call for all Papers and Documents which they may deem necessary ; and every Court of Appeal shall be attended by the Assessors by whom the several Valuations under Appeal were made, and such Assessors shall answer upon Oath all competent Interrogatories which may be put to 35 them with reference to the Matters involved in such Appeals ; and it shall not be necessary for the Court of Appeal to keep any formal Record of their Proceedings, but they may, if they think proper, cause any Deposition which may be made before them to be taken down in Writing, and signed by the Deponent, and authenticated by 40 One of their own Number as having been made in their Presence ; and every such Deposition so taken down, signed, and authenticated shall

shall be deemed and taken to be good Evidence in any Prosecution for Perjury.

X. The Valuation Roll, when made up by the Assessor, shall be retained by him until the Thirty-first Day of July in each Year, when he shall transmit it to the Clerk of Supply of the County or to the Town Clerk of the Burgh, as the Case may be, or, if there be no Town Clerk, to such other Person as the Chief Magistrate of the Burgh, or if there be no such Magistrate the Sheriff of the County, may specially appoint for the Purpose, which he is hereby required in such Case to do, as Occasion requires; and, except while in use for the Purposes of any Registration Court or Court of Appeal, as after mentioned, or while in use for the Purpose of Collection of Assessments in Terms of this Act, the said Valuation Roll shall thereafter remain in the Office of such Clerk of Supply or Town Clerk, or other Person specially appointed as aforesaid, patent to every Person having Interest therein, either as Proprietor, Tenant, or Occupier, and no Fee of any kind shall be charged to any such Person for Liberty to inspect the same.

Valuation Roll to be retained by Assessor till 31st July yearly, and thereafter to be open to Inspection.

XI. As soon as all Appeals taken under this Act shall have been disposed of by the Commissioners of Supply of the County or by the Magistrates of the Burgh, as the Case may be, and the Valuation of the County or Burgh shall have been thereby completed, the said Valuation Roll shall be authenticated in Counties by the Signature of the Sheriff or Convener of the County, or in their Absence of the Clerk of Supply, and in Burghs by the Signature of the Chief Magistrate, or in his Absence of the Town Clerk or other Person whom the Magistrates may authorize for that Purpose, and such Valuation Roll shall then be in force as the Valuation Roll of the County or Burgh, as the Case may be, for the Year commencing at the Term of Whitsunday immediately preceding, and ending at the Term of Whitsunday immediately following.

Valuation Roll, when completed, to be authenticated, and to be in force for a Year.

XII. If any Complaint shall be made to the Commissioners of Supply of any County or to the Magistrates of any Burgh, to the Effect that the yearly Rent or Value of any Lands or Heritages within such County or Burgh respectively has been stated by the Assessor in the Valuation Roll of such County or Burgh at less than the just and true Amount thereof, such Commissioners of Supply and Magistrates respectively may, if they think fit, make Inquiry into such Complaint, after giving Notice to the Proprietor and Occupier of such Lands or Heritages of the Time and Place when such Inquiry will be gone into, and may thereupon raise the Amount of the yearly Rent or Value of such Lands and Heritages in the Valuation Roll of

Complaints with regard to Assessors Valuations.

such County or Burgh to such Extent as after such Inquiry may appear to them to be just; and the Commissioners of Supply and Magistrates of Burghs respectively shall, in the Conduct of such Inquiries as aforesaid, have all the same Powers and Authorities as are by this Act conferred upon them with reference to Appeals. 5

Three Commissioners of Supply or Magistrates, &c. to be a Quorum.

XIII. In all Proceedings under this Act, any Three Commissioners of Supply of a County and any Three Magistrates of a Burgh shall be deemed to be a Quorum of such Commissioners and Magistrates respectively, and shall be entitled to exercise all the Powers conferred upon the general Body of Commissioners and Magistrates respectively 10 under this Act; and when more than *Two* Commissioners or Magistrates are present, the Majority shall rule the Decision; and where the Votes of those present shall be equal, the Preses of the Meeting shall have a Casting Vote.

CLAUSE B. Preses at Meetings of Commissioners of Supply under this Act.

XIV. In all Meetings of Commissioners of Supply under this Act, 15 the Sheriff of the County shall be Preses of such Meeting; and failing him, the Convener of the County, or in the Absence also of the Convener, the Person who may be elected by such Meeting to act as its Preses, shall be Preses of such Meeting.

CLAUSE A. Preses at Meetings of Magistrates of Burghs under this Act.

XV. In all Meetings of Magistrates of Burghs under this Act, the 20 Lord Provost, or Provost, or Chief Magistrate of the Burgh, where he is present thereat, shall be Preses of such Meeting; and failing him, the Person who may be elected by such Meeting to act as its Preses shall be Preses of such Meeting.

Papers and Documents emanating from Commissioners of Supply, &c. how to be authenticated.

XVI. For the Purposes of this Act, the Signature of the Sheriff, or 25 of the Convener of the County, or of the Preses of a Meeting of Commissioners of Supply, adhibited to any Paper or Document, shall be equivalent to the Signatures of the whole Commissioners of Supply present at a Meeting thereof; and the Signature of the Lord Provost, or Provost, or Chief Magistrate of the Burgh, or of the Preses of a 30 Meeting of the Magistrates of the Burgh, adhibited to any Paper or Document, shall be equivalent to the Signatures of the whole Magistrates present at such Meeting; and the Addition to such Signatures respectively of the Words "Sheriff," "Convener," "Lord Provost," "Provost," "Chief Magistrate," or "Preses" shall be good *prima facie* 35 Evidence that such Signature is the Signature of such Sheriff, Convener, Lord Provost, Provost, Chief Magistrate, or Preses, as the Case may be, and that such Paper or Document is genuine and authentic.

Expenses of Valuations, how to be defrayed.

XVII. After the Completion of each annual Valuation as aforesaid under this Act, the Commissioners of Supply of each County and the 40 Magistrates

Magistrates of each Burgh shall cause an Account to be made up of their Costs and Expenses attending the same, and shall ascertain and fix the just Amount thereof, and shall cause such Amount, along with such reasonable Sum as they may deem necessary to meet the

5 Expenses of Collection, to be assessed upon the Lands and Heritages within their County or Burgh respectively, included in such Valuation, by a rateable Assessment upon such Lands and Heritages according to the yearly Rent or Value thereof as fixed by such Valuation, the Proprietors and Occupiers of such Lands and Heritages being liable to

10 pay such Assessment equally between them, or, in the Option of such Commissioners of Supply or Magistrates respectively, shall cause such Amount to be assessed along with and as Part of and by way of Addition to any other Assessment which may be leviable according to the Valuation established by this Act within such County or

15 Burgh; and any Balance of Funds remaining on hand from Time to Time in any County or Burgh, arising from such Assessment under this Act in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Commissioners of Supply of each County

20 and the Magistrates of each Burgh respectively, in such Manner as they may deem fit, for defraying the Expenses of making up Valuation Rolls under this Act in subsequent Years, but for no other Uses or Purposes whatever.

XVIII. From and after the passing of this Act, no Person, other

25 than a Person duly qualified as after mentioned, shall be qualified to act as Commissioner of Supply in any County; and any Person not duly qualified as aforesaid acting as such Commissioner shall be subject and liable to the Penalties presently attached by Law to the acting as a Commissioner of Supply without Qualification; and from

30 and after the passing of this Act the Qualification requisite for a Commissioner of Supply in any County shall be the being Sheriff of such County or the being Proprietor infeft in Liferent, or in Fee not burdened with a Liferent, in Lands and Heritage within such County of the yearly Rent or Value of at least One hundred Pounds, or the being

35 eldest Son and Heir Apparent of a Proprietor infeft in Fee not burdened with a Liferent in Lands and Heritages within such County of the yearly Rent or Value of Four hundred Pounds; and the Factor of any Person infeft, either in Liferent or in Fee unburdened as aforesaid, in Lands and Heritages within such County of the yearly Rent or Value of Four hundred Pounds, shall be qualified to act as a Commissioner of Supply in the

40 Absence of such Person: Provided always, that all Persons who shall on the First Day of April One thousand eight hundred and fifty-four have been in actual Possession of the Qualification then required by Law for a Commissioner of Supply, and entitled to act as such Com-

CLAUSE C.
New Qualifi-
cation for
Commis-
sioners of
Supply.

missioner, shall, so long as he shall continue to possess such last-mentioned Qualification, be deemed to be in possession of the Qualification requisite for a Commissioner of Supply in Terms of this Act.

CLAUSE E.
Assessor of
Railways
and Canals
to be
appointed.

XIX. In order to the making up of Valuations and Valuation Rolls 5
of Lands and Heritages in Scotland belonging to or leased by Railway
or Canal Companies, and forming Part of the Undertakings of such
Companies, it shall be lawful for Her Majesty to appoint, as Occasion
requires, a fit and proper Person to be Assessor of Railways and
Canals for the Purposes of this Act; and the Remuneration or Salary 10
to be paid to such Assessor of Railways and Canals in respect of his
own Time and Trouble, and in respect of any Clerks or other Officers
whom he may be allowed by the Commissioners of Her Majesty's
Treasury to employ in the Execution of his Duties under this Act,
shall be fixed from Time to Time by the said Commissioners of Her 15
Majesty's Treasury; and such Assessor of Railways and Canals shall,
before entering on the Duties of his Office, be sworn faithfully and
honestly to perform the Duties thereof, and shall be removeable by Her
Majesty at pleasure.

CLAUSE D.
Such As-
sessor to
make up
annually a
Valuation
Roll of Rail-
ways and
Canals.

XX. The Assessor of Railways and Canals under this Act shall, on 20
or before the Fifteenth Day of June One thousand eight hundred and
fifty-five, and on or before the Fifteenth Day of June in every subse-
quent Year, inquire into and fix in cumulo the yearly Rent or Value
in Terms of this Act of all Lands and Heritages in Scotland belonging
to or leased by each Railway and Canal Company, and forming 25
Part of its Undertaking, and shall also inquire into and fix the gross
Amount expended upon the several Stations, Depôts, Counting-houses,
and other Houses and Places of Business respectively in Scotland of or
connected with each such Undertaking, and shall also inquire into and
fix all other Matters necessary to entitle him to make up a Valuation Roll 30
of Railways and Canals as after mentioned; and such Assessor of Rail-
ways and Canals shall make up a Valuation Roll applicable to all
Railway and Canal Companies having Lands and Heritages as afore-
said, in which Valuation Roll shall be set forth in Canals the yearly
Rent and Value in Terms of this Act of the whole Lands and Heritages 35
in Scotland belonging to or leased by each such Railway or Canal
Company respectively, and forming Part of its Undertaking, the
Names of the several Parishes, Counties, and Burghs through which
the Line of such Railway or Canal Company runs, or in which its said
Lands or Heritages, or any Part thereof, are situated, the lineal Measure- 40
ment of its entire Line, and the Portion of such lineal Measurement
situated in each such Parish, County, and Burgh, the gross Amount
expended upon its several Stations, Depôts, Counting-houses, and
other

Houses and Places of Business in Scotland, the Proportion of such gross Amount expended in each such Parish, County, and Burgh, and, where any Stations, Depôts, Counting-houses, or other Houses or Places of Business, are held or used jointly by any Two or more Railway or Canal Companies, the Proportions in which such Railway and Canal Companies are respectively interested therein, and also the yearly Rent or Value in Terms of this Act, ascertained as after mentioned, of the Portion of the Lands and Heritages in each Parish, County, and Burgh in Scotland belonging to or leased by each Railway and Canal Company, and forming Part of its Undertaking.

XXI. The yearly Rent or Value, in Terms of this Act, of the Lands and Heritages in any Parish, County, or Burgh belonging to or leased by any Railway or Canal Company, and forming Part of the Undertaking of such Company, shall be ascertained as follows; that is to say, there shall be deducted, in the first place, from the cumulo yearly Rent or Value of the whole Lands and Heritages in Scotland as aforesaid of each such Railway or Canal Company a Sum equal to Three Pounds per Centum of the whole Amount expended on the Stations, Depôts, Counting-houses, and other Houses and Places of Business in Scotland of and connected with the Undertaking of such Railway or Canal Company; and the Proportion of such diminished cumulo Rent or Value corresponding to the lineal Measurement of the Portion of the Line, including Ferries attached thereto, of such Railway or Canal Company situated in such Parish, County, or Burgh, as compared with the lineal Measurement of the entire Line, including Ferries as aforesaid, of such Railway or Canal Company, with the Addition of a Sum equal to Three Pounds per Centum of the Amount, if any, expended on any Station, Depôt, Counting-house, or other House or Place of Business, within such Parish, County, or Burgh, or of or connected with the Undertaking of such Railway or Canal Company, shall be deemed and taken to be the yearly Rent or Value, in Terms of this Act, of the Lands and Heritages in such Parish, County, or Burgh belonging to or leased by such Railway or Canal Company, and forming Part of its Undertaking.

CLAUSE F.
Mode in which the yearly Rent or Value of Railways and Canals is to be ascertained.

XXII. As soon as may be after the Fifteenth Day of June and not later than the Thirtieth Day of June in each Year the said Assessor of Railways and Canals under this Act shall transmit or cause to be transmitted to each Railway and Canal Company included in his Valuation, either through the Post Office, or by causing the same to be left at the head or other known Office of Business of each Railway or Canal Company, a Copy of every Entry in his Valuation Roll wherein such Railway or Canal Company shall be set forth, either as Proprietor, Tenant, or Occupier; and if such Company consider

CLAUSE N.
Notice of Valuation to be given to Railway and Canal Companies, who may appeal there against to the Senior Lord Ordinary of the Court of Session.

[69.]

B

themselves

themselves aggrieved by such Valuation, they may obtain Redress by satisfying such Assessor of Railways and Canals, on or before the Thirty-first Day of July next ensuing, that they have well-founded Ground of Complaint, and obtaining an Alteration by him of his Valuation accordingly, which Alteration he is in such Case authorized to make, 5 or by lodging a Note of Appeal, on or before such last-mentioned Date, to the Senior Lord Ordinary of the Court of Session; and any Deliverance which shall be pronounced by such Lord Ordinary on such Objections on or before the Thirty-first Day of August next, after such Appeal is entered and such Objections are made shall receive Effect, 10 and it shall be the Duty of such Assessor of Railways and Canals to alter his Valuation in conformity therewith; and such Deliverance, and the Valuation of the said Assessor of Railways and Canals, if not appealed against, or if appealed against in so far as not altered by a Deliverance of the Lord Ordinary as aforesaid, shall be final and 15 conclusive, and not subject to Review.

CLAUSE H.
Any Parish,
County, or
Burgh in-
terested in
any Railway
or Canal
Valuation
may appeal
against the
same to the
Lord Ord-
inary.

XXIII. The Valuation Roll of Railways and Canals, while the same is in the Hands of the Assessor of Railways and Canals, shall be patent to all Persons having Interest therein, and no Fee of any kind shall be charged to any such Person for Liberty to inspect the same; 20 and it shall be competent to any Parish, County, or Burgh, having Interest in any Valuation therein contained, to object to and represent against the same to the Senior Lord Ordinary of the Court of Session, who shall afford to the Railway or Canal Company to which such Objection applies an Opportunity of answering such Objection, and 25 may also, if he think it necessary or proper, afford such Opportunity to the Assessor of Railways and Canals, or to any Person or Persons whom he may consider to be interested in such Objection; and any Deliverance which shall be pronounced by him on such Objections on or before the Thirty-first Day of August next after such Objections are 30 made shall be given effect to, and be final and conclusive.

CLAUSE J.
Assessor of
Railways
and Canals
may call for
Books and
Writings, &c.
and if such
are refused,
Right of
Appeal to be
forfeited.

XXIV. For the Purpose of making the Valuations of the Lands and Heritages of Railway and Canal Companies herein before directed, it shall be lawful for the Assessor of Railways and Canals under this Act to require the Attendance before him of any Persons as Witnesses, 35 and to examine such Witnesses on Oath, and also to call from Time to Time upon any Railway or Canal Company for detailed Statements of the yearly Revenue of its Undertaking, distinguishing the different Sources thereof, and the Amount derived from each such Source, and also of the Sums expended on each of its Stations, 40 Depôts, Counting-houses, and other Houses and Places of Business, and also of the Parishes, Counties, and Burghs in which such Stations, Depôts, Counting-houses, and other Houses and Places of Business are

are severally situated, and also of the lineal Measurement of the whole, any, each, and every Part of its Line, and to call for Production from Time to Time of any Books, Vouchers, or other Writings in the Possession of any Railway or Canal Company relating to or
 5 bearing upon any Matters aforesaid; and if any such Company, or its Manager or Secretary, or the Chairman of its Board of Directors, all for the Time being, shall wilfully refuse or delay to furnish any such Statements, or to make any such Production, when required by the Assessor of Railways and Canals as aforesaid, such Company shall not
 10 be entitled to appeal against or object to the Valuation of such Assessor of Railways and Canals for the Year in which such Refusal or Delay takes place, anything in this Act to the contrary notwithstanding.

XXV. The Valuation Roll to be made annually up as aforesaid by the
 15 Assessor of Railways and Canals under this Act shall, as soon as may be after the Thirty-first Day of August in each Year, be authenticated by the Signature of such Assessor, and such Valuation Roll shall then be in force as the Valuation Roll of Railways and Canals for the Year commencing at the Term of Whitsunday immediately preceding and ending
 20 at the Term of Whitsunday immediately following; and the Assessor of Railways and Canals under this Act shall, on or before the Tenth Day of September in each Year, transmit to the Clerk of Supply of each County and to the Town Clerk of each Burgh in which any Portion of the Undertaking of a Railway or Canal Company is situated a
 25 certified Copy of the Valuation, in Terms of this Act, taken from such Valuation Roll of Railways and Canals, of the Lands and Heritages within such County or Burgh belonging to or leased by and forming Part of the Undertaking of such Railway or Canal Company; and such Valuation relating to such Railway or Canal shall be engrossed
 30 by such Clerk of Supply or Town Clerk, as the Case may be, in the Valuation Roll of such County or Burgh, and shall be authenticated by the Signature of such Clerk of Supply or Town Clerk, and shall be thenceforward deemed and taken to be a Part of such Valuation Roll of such County or Burgh.

CLAUSE K.
 Valuations of Railways and Canals, when completed, to be authenticated, and communicated to the Clerks of Supply and Town Clerks, and to be in force for a Year.

35 XXVI. The Valuation Rolls of Railways and Canals to be made up in Terms of this Act shall be periodically transmitted by the Assessor of Railways and Canals to the Lord Clerk Registrar, or his Deputy, for Preservation in the General Register House, in like Manner as the Valuation Rolls of Counties and Burghs are by this
 40 Act directed to be periodically transmitted as aforesaid.

CLAUSE L.
 Valuation Rolls of Railways and Canals to be transmitted every Six Years to the General Register House, for Preservation.

XXVII. The Amount of the Remuneration or Salary of the Assessor of Railways and Canals under this Act, and of his Clerks and
 [69.] B 2 other

CLAUSE M.
 Salary of the

Assessor of
Railways
and Canals
to be con-
tributed
rateably by
Railway and
Canal
Companies.

other Officers as aforesaid, shall, on or before the Eleventh Day of November in each Year, be paid by the Railway and Canal Companies having Lands and Heritages included in the Valuation of Railways and Canals for the Year to which such Remuneration or Salary applies, to the Commissioners of Her Majesty's Treasury, or to such Person or Persons as they may appoint to receive the same, each Railway and Canal Company paying a Proportion of such Remuneration or Salary corresponding to the yearly Rent or Value of its Lands and Heritages, ascertained in Terms of this Act, as compared with the yearly Rent or Value of the whole Lands and Heritages in Scotland of Railway and Canal Companies, ascertained as aforesaid; and in case of any Difference of Opinion as to the Proportions in which such Remuneration or Salary should be borne by such Railway and Canal Companies respectively, in Terms of this Act, the same shall be determined by the Commissioners of Her Majesty's Treasury, whose Award thereon shall be final; and on or before the Thirty-first Day of December in each Year the said Remuneration or Salary received from such Railway and Canal Companies as aforesaid shall be paid over by the Commissioners of Her Majesty's Treasury to the Assessor of Railways and Canals; and the Proportion of such Remuneration or Salary payable by each such Railway or Canal Company, in Terms of this Act, shall be deemed to be a Debt due by such Company to the Crown, and shall be recoverable in like Manner as any other Debt due to the Crown is recoverable by Law.

Mistake or
Misnomer
not to affect
Valuation.

XXVIII. No Valuation of any Lands or Heritages contained in any Valuation Roll under this Act shall be rendered void or be affected by reason of any Mistake or Variance in the Names of such Lands or Heritages, or in the Christian or Surname or Designation of any Proprietor or Tenant or Occupier thereof; and no Valuation Roll which shall be made up and authenticated in Terms of this Act, and no Valuation which shall be contained therein, shall be challengeable, or be capable of being set aside or rendered ineffectual, by reason of any Informality, or of any Want of Compliance with the Provisions of this Act, in the Proceedings for making up such Valuation or Valuation Roll.

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Poor Assess-
ment to be
levied upon
Valuations
established
by this Act.
8 & 9 Vict.
c. 83.

XXIX. When Valuations of the Lands and Heritages in Scotland shall have been established under this Act, the Valuations in force for the Time being under this Act shall form the Basis of every Assessment upon Lands and Heritages which shall thereafter be assessed and levied under an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act for the Amendment and better Administration of the Law relating to the Relief of the Poor in Scotland;" and from and after the

the

the Establishment of such Valuations no Assessment under the said recited Act shall be assessed or levied either wholly or partially upon Means and Substance, but every such Assessment shall be assessed and levied, One Half upon the Owners and the other Half upon the
 5 Tenants and Occupiers of all Lands and Heritages within the Parish or Combination to which such Assessment applies, rateably according to the yearly Rent or Value of such Lands and Heritages, but subject to the Powers of Classification contained in the said recited Act, and otherwise in Terms of the said recited Act; and the said recited Act
 10 is hereby repealed to the Extent which may be necessary to give Effect to this Enactment, but no further.

XXX. From and after the Establishment of Valuations of the Lands and Heritages in Scotland under this Act, every Assessment which shall be assessed or levied under an Act passed in the Session of
 15 Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to improve Prisons and Prison
 "Discipline in Scotland," upon any Lands or Heritages, according to the annual Value of such Lands or Heritages, shall be assessed and levied upon the Basis of the Valuations for the Time being
 20 established under this Act; and the said last-recited Act is hereby repealed to the Extent which may be necessary to give Effect to this Enactment, but no further.

Prison Assessment, when on real Rent, to be upon Valuations established by this Act. 2 & 3 Vict. c. 42.

XXXI. Where, in any County, Burgh, or Town, any County Municipal, Parochial, or other public Assessment, or any Assessment
 25 under any Act of Parliament, is assessed upon the real Rent of Lands and Heritages, the yearly Rent or Value of such Lands and Heritages, as appearing from the Valuation Roll in force for the Time under this Act in such County, Burgh, or Town, shall, from and after the Establishment of such Valuation therein, be always deemed and
 30 taken to be the just Amount of such real Rent for the Purposes of such County, Municipal, Parochial, or other Assessment, and such Assessments shall be assessed and levied according to such yearly Rent or Value accordingly, any Law or Usage to the contrary notwithstanding.

Other Public Assessments levied on real Rent to be levied upon Valuations established by this Act.

XXXII. As soon as each annual Valuation Roll of a County, or of a Burgh not being a Burgh sending or contributing to send a Member to Parliament, shall have been completed under this Act, and when the same shall be required for the Purposes of any Registration or Appeal Court as after mentioned, the Clerk of Supply having the
 40 Custody of such Valuation Roll shall, when called upon to do so, transmit the same to the Sheriff Clerk of such County, by whom it shall be retained, patent to all Parties having Interest therein, until

Valuation Roll to be transmitted to the Sheriff Clerk for Purposes of Registration.

the Business of the Registration and Appeal Courts of the Year shall be concluded, when it shall be forthwith returned by such Sheriff Clerk to such Clerk of Supply.

Valuation
Roll to be
Evidence in
Registration
and Appeal
Courts.

XXXIII. In all Questions and Proceedings under any Act of Parliament relating to the Franchise, or to the Representation of the People 5 in Parliament, it shall be sufficient to refer to an Entry in the Valuation Roll in force for the Time under this Act in any County or Burgh, and such Entry shall be received and taken in all such Questions and Proceedings as conclusive Proof that the yearly Rent or Value of the Lands or Heritages specified therein is of the Amount therein set 10 forth, and also as sufficient Evidence, until the contrary be proved, that the Persons stated therein to be Proprietors, Tenants, or Occupiers thereof are such Proprietors, Tenants, and Occupiers respectively; and it shall be competent in all Cases, notwithstanding anything in any existing Act of Parliament to the contrary, to refer to such 15 Valuation Roll in such Appeal Court, although such Valuation Roll may not have been produced or referred to in the Registration Court; and it shall be the Duty of every Sheriff Clerk of a County and Town Clerk of a Burgh officiating or who ought to officiate at any Registration Court or Court of Appeal under any such Act of Parliament, to 20 have the Valuation Roll of a County or Burgh, as the Case may be, in force for the Time under this Act, on the Table of such Registration Court or Court of Appeal, as the Case may be, for Reference, as aforesaid.

CLAUSE O.
Valuation
Rolls to be
made up in
prescribed
Form, and
to be trans-
mitted
periodically
to the
General
Register
House for
preservation.

XXXIV. The Valuation Rolls to be made up in Terms of this Act 25 shall be, as nearly as may be, in the Form of the Schedule hereunto annexed, and shall be otherwise in such Form and of such Dimensions as may be prescribed by the Lord Clerk Register of Scotland, or his Deputy; and at the Expiration of Six Years from the Date of the passing of this Act, and at the Expiration of every subsequent Period 30 of Six Years thenceforward, every Clerk of Supply and Town Clerk or other Person, being Custodier of the Valuation Rolls of any County or Burgh under this Act, shall transmit or cause to be transmitted to the said Lord Clerk Register or his Deputy, in order to Preservation thereof in the General Register House of Scotland, the whole Valua- 35 tion Rolls of such County or Burgh then completed, and not previously transmitted, other than the Valuation Rolls of such County or Burgh in force for the Time being.

CLAUSE P.
Public
Buildings,
&c., ex-
empted from

XXXV. All Courts of Law, Prisons, Barracks, Lighthouses, and other Buildings belonging to Government, or maintained at the Public 40 Expense, and all County Buildings, Town Houses of Burghs, and all Buildings and Places solely used for the Purposes of Religion or of

of Education or of public Charity, or which are entitled to Exemption from local Rates or Assessments by the Provisions of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled "An Act to exempt from
 5 " County, Borough, Parochial, and other local Rates Lands and Build-
 " ings occupied by Scientific or Literary Societies," shall, from and after the passing of this Act, be exempted from all County, Municipal, Parochial, and other Assessments, of whatsoever Kind or Description, imposed or to be imposed under any Act of Parliament, Law, or
 10 Usage, now existing, or under any Act of Parliament hereafter to be passed, unless such future Act of Parliament shall expressly direct to the contrary; and no Lands or Heritages so exempted from Taxation shall be included in any Valuation Roll to be made up under this Act.

Assessment,
and not to be
valued under
this Act.

XXXVI. The Limits and Boundaries of such Burghs as send,
 15 or contribute to send a Member or Members to Parliament shall for the Purposes of this Act be taken and held to be according to the Description and Specification of such Limits and Boundaries which may be prescribed by any Act of the present Session of Parliament, and failing thereof which are prescribed by an Act passed in the
 20 Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Representation of the People in Scot-
 " land:" Provided always, that if the Boundaries of any Burgh shall not be prescribed by any Act of the present Session of Parliament, and
 25 are not prescribed by the before-recited Act of the Second and Third Years of the Reign of His Majesty King William the Fourth, the same shall be determined by the Sheriff of the Sheriffdom in which such Burgh is situated, or, if such Burgh be situated partly in one County and partly in another, by the Sheriff of that Sheriffdom in
 30 which the greater Part of such Burgh may be situated; and as soon as may be after the passing of this Act every Sheriff to whom such Power of fixing the Boundaries of any Burgh for the Purposes of this Act and of the foresaid Two Acts of the Reign of Her present Majesty is hereby committed shall, by Letter, to be addressed by him to the
 35 Chief or Senior Magistrate or other Administrator on behalf of such Burgh, require such Magistrate or other Administrator of such Burgh to attend him at a Time and Place to be fixed in such Letter, and shall at such Time and Place, or at any Time or Place to which the Sheriff may adjourn the Inquiry, take such Evidence as may be adduced to
 40 him, or as he may think necessary, and shall thereupon, by Writing under his Hand, fix and determine the Boundaries of such Burgh for the Purposes of this Act and of the aforesaid Two Acts of the Reign of Her present Majesty, and shall cause such written Determination to be recorded in the Sheriff Court Books of his County, and shall

Boundaries
of Burghs.

furnish an official Extract therefrom to such Magistrate or Administrator; and such Determination shall, when so recorded, fix and determine the Boundaries of such Burgh for the Purposes of this and the aforesaid Acts.

Recovery of
Penalties.

XXXVII. Every Penalty imposed by this Act may be recovered by 5
summary Proceeding, upon Complaint in Writing made in Name of
an Assessor under this Act to the Sheriff of the County in which the
Offence shall have been committed, or to the Sheriff of any County in
which the Offender may be found; and on such Complaint being
made such Sheriff shall issue a Warrant or Order requiring the Party 10
complained against to appear on a Day and at a Time and Place to
be named in such Order; and every such Order shall be served on the
Party offending either in Person or by leaving with some Inmate at
his usual Place of Abode a Copy of such Order, and of the Complaint
whereupon the same has proceeded; and either upon the Appearance 15
or upon the Default to appear of the Party offending it shall be lawful
for the Sheriff to proceed to the Hearing of the Complaint, and upon
Proof of the Offence, either by the Confession of the Party com-
plained against, or other legal Evidence, and without any written
Pleadings or Record of Evidence, to convict the Offender, and upon 20
such Conviction to decern and adjudge the Offender to pay the
Penalty incurred, as well as such Expenses as the Sheriff shall think
fit, and to grant Warrant for imprisoning the Offender until such
Penalty and Expenses shall be paid: Provided always, that such
Warrant shall specify the Amount of such Penalty and Expenses, and 25
shall also specify a Period at the Expiration of which the Party shall
be discharged, notwithstanding such Penalty or Expenses shall not
have been paid, which Period shall in no Case exceed Three Calendar
Months.

Application
of Penalties.

XXXVIII. The Sheriff by whom any Penalty shall be imposed by 30
virtue of this Act shall award such Penalty to be applied for the
Purposes of this Act within the County in which the Offence was
committed, and shall order the same to be paid over to the Complainer,
or to some other Person for that Purpose: Provided always, that no
Person shall be liable to the Payment of any Penalty imposed by 35
virtue of this Act unless such Penalty shall have been prosecuted for
within Six Calendar Months after the Commission of the Offence for
which it has been incurred.

CLAUSE N.
Where As-
sessments are
levied under
Local Acts

XXXIX. Where in any Burgh or Parish under any Local Statute
any Assessment has been levied on a fixed Per-centage according to the 40
real Value of Lands and Heritages, but on a different Valuation from
that established by this Act, it shall be lawful for the Sheriff of the
County

County, on an Application from any Ratepayer within such Burgh or Parish, to fix and determine, after such Inquiry as he shall think proper, what Per-centage, according to the Valuation to be made under this Act, will produce the Sum which, on an Average of Five preceding Years, had been collected under such Assessment, and the Per-centage so fixed by the Sheriff shall hereafter be held to be the Per-centage provided by such Local Statute.

on a different Valuation to that established by this Act, Sheriff of the County to fix Per-centage.

XL. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except when the Nature of the Provision or the Context of the Act shall exclude or be repugnant to such Construction; (that is to say,) the Expression "Lands and Heritages" shall extend to and include all Lands, Houses, Teinds, Manses, Glebes, Shootings, and Deer Forests, where such Shootings or Deer Forests are actually let, Fishings, Copse and Underwood from which Revenue is actually derived, Ferries, Quays, Wharfs, Docks, Canals, Railways, Mines, Minerals, Quarries, Coalworks, Waterworks, Limeworks, Brickworks, Ironworks, Gasworks, Factories, and all Buildings and Pertinents thereof, and all Machinery fixed or attached to any Lands or Heritages; the Word "Oath" shall include the Affirmation of a Quaker, Separatist, or Moravian; the Word "Proprietor" shall apply to Liferenters as well as Fiars, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wadsetters, or other Persons who shall be in the actual Receipt of the Rents and Profits of Lands and Heritages; the Word "Burgh" shall apply only to a City, Burgh, or Town, being a Royal Burgh, or which sends or contributes as a Burgh to send a Member to Parliament; the Expression "Magistrates of Burghs" shall include the Lord Provost, or Provost, or Chief Magistrate and Magistrates and Councils of Burghs, and all Persons being Members for the Time of such Magistracy or Council; the Word "Town" shall extend to and include all Burghs, as well Royal and Parliamentary Burghs as Burghs of Barony or Regality, and all other Burghs whatsoever, and generally all Places situate within a County forming an Area of Assessment District from such County; the Word "County" shall include "Stewartry," and shall include and apply to a County exclusive of the Burghs situated therein; the Expression "the Assessor" shall mean the Assessor under this Act of the County or Burgh or Portion or District of the County or Burgh for which he is Assessor, as distinguished from the Assessor of Railways and Canals under this Act.

Interpretation Clause.

SCHEDULE referred to in the foregoing Act.

VALUATION ROLL.

County [*or* Burgh] of Parish of

No.	Description of Subject.	Proprietor.	Tenant.	Occupier.	Yearly Rent or Value.				
					1854.	1855.	1856.	1857.	1858.
1	Farm of ———	A. B. of C.	E. F., residing at ———	G. H., residing at ———	150 <i>l.</i>	150 <i>l.</i>	150 <i>l.</i>	160 <i>l.</i>	160 <i>l.</i>
-	Do. -	Do. -	Do. -	Do. -	-	-	-	-	-
-	Do. -	Do. -	Do. -	Do. -	-	-	-	-	-
-	Do. -	Do. -	L. M., residing at ———	L. M., residing at ———	-	-	-	160 <i>l.</i>	-
-	Do. -	Do. -	Do. -	Do. -	-	-	-	-	160 <i>l.</i>
2	House, Garden, and Grounds of ———	O. P. Esq., Mining Engineer.	O. P. aforesaid	O. P. aforesaid	40 <i>l.</i>	-	-	-	-
-	Do. -	Do. -	Do. -	Do. -	-	40 <i>l.</i>	-	-	-
-	Do. -	R. S., Merchant in ———	Do. -	Do. -	-	-	40 <i>l.</i>	-	-
-	Do. -	Do. -	R. S., Merchant in ———	R. S., Merchant in ———	-	-	-	35 <i>l.</i>	-
-	Do. -	Do. -	Do. -	Do. -	-	-	-	-	35 <i>l.</i>

Valuation of Lands.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

For the Valuation of Lands and Heritages
in Scotland.

*(Prepared and brought in by
The Lord Advocate and Viscount Palmerston.)*

*Ordered, by The House of Commons, to be Printed,
10 April 1854.*

[Bill 69.]

Under 3 oz.

22 May 1854. 17 VICT.



(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

FOR

The Valuation of Lands and Heritages in Scotland.

[Note.—The Clauses marked A. to N. and the Schedule were added by the Committee, and the Clause marked O. on Re-commitment.]

WHEREAS it is expedient that One uniform Valuation be established of Lands and Heritages in Scotland, according to which all public Assessments leviable or that may be levied upon the real Rent of such Lands and Heritages may be assessed and collected, and that Provision be made for such Valuation being annually revised: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

10 I. The Commissioners of Supply of every County and the Commissioners of Supply and Magistrates of every Burgh in Scotland respectively shall annually cause to be made up a Valuation Roll, showing the yearly Rent or Value for the Time of the whole Lands and Heritages within such Burghs to make up Valuation Roll annually.
County or Burgh respectively, and separately within each Parish or
15 Part of a Parish situated within such County or Burgh respectively, and specifying in each Case the Nature of such Lands and Heritages, and the Names and Designations of the Proprietors or reputed Proprietors, and where there are Tenants or Occupiers, of the Tenants and of the Occupiers thereof respectively; and in making up such
[Bill 108.] A Valuation

Valuation Roll such Commissioners and Magistrates respectively shall take the Assistance of the Officer of Inland Revenue charged with the Duty of assessing to the Income Tax in such County or Burgh respectively : Provided always, that it shall not be necessary to insert in any Valuation Roll under this Act the Names or Designations of the Tenants or Occupiers of any Lands and Heritages separately let at a Rent not exceeding Five Pounds per Annum. 5

Appoint-
ment and
Duties of
Assessors.

II. In order to the making up of such Valuation, the Commissioners of Supply of each County and the Magistrates of each Burgh respectively shall, as Occasion requires, appoint One or more fit and proper Persons to be Assessors or Assessor for the Purposes of this Act; and it shall be the Duty of such Assessors annually to ascertain and assess the yearly Rent or Value of the several Lands and Heritages within the County or Burgh respectively, other than the Lands and Heritages of Railway and Canal Companies, which are herein-after specially provided for, and to make up such Valuation Roll thereof in the Manner by this Act prescribed; and every such Assessor shall be appointed either for the whole County or Burgh, or for some particular Portion or District thereof to be prescribed by the Commissioners of Supply or Magistrates respectively; and every such Assessor shall, on being appointed by the said Commissioners of Supply or Magistrates respectively, and before entering upon the Duties of his Office, declare that he will faithfully and honestly perform the Duties thereof; and no Person shall be qualified to be appointed or to act as an Assessor under this Act in any County or Burgh who, at the Time of such Employment or acting, is a political Agent within such County or Burgh respectively; and every such Assessor shall be removeable at the Pleasure of the said Commissioners or Magistrates respectively. 10 15 20 25

Assessors to
make up
Valuation
Roll by 15th
September
in each Year.

III. In every County and Burgh the First Valuation Roll to be made up as aforesaid under this Act shall be made up by the Assessors acting under this Act on or before the Fifteenth Day of September One thousand eight hundred and fifty-five; and a new Valuation Roll shall be annually made up by the Assessors on or before the Fifteenth Day of September in every subsequent Year. 30 35

Notice to be
given to
Persons
whose Pro-
perty is
valued.

IV. As soon as may be after such Valuation Roll shall have been made up by the Assessors as aforesaid, and at latest by the Fifteenth Day of October in each Year, the Assessor shall transmit or cause to be transmitted to each Person included in his Valuation, whether as Proprietor or Tenant or Occupier, a Copy of every Entry in such Valuation Roll wherein such Person shall be set forth either as Proprietor or Tenant or Occupier, along with a Notice to such Person that 40

that if he considers himself aggrieved by such Valuation he may appeal against the same to the Sheriff of the County in Terms of this Act, or may obtain Redress without the Necessity of such Appeal, by satisfying the Assessor, on or before the Thirty-first Day
 5 of October in each Year, that he has well-founded Ground of Complaint; and such Copy and Notice may be served by handing the same to such Person personally, or leaving the same, or sending it through the Post Office, at his Residence or usual Place of Abode; and where the Residence or Place of Abode of such Person is
 10 unknown, it shall be sufficient if Service be made as aforesaid upon his Factor or Agent, or be addressed to him at the Office of the Sheriff Clerk of the County or Town Clerk of the Burgh, as the Case may be: Provided always, that where, in making up his Valuation as aforesaid, the Assessor is merely to repeat an Entry which occurred in
 15 the Valuation of the immediately preceding Year, it shall not be necessary for the Assessor to transmit such Copy and Notice as aforesaid to the Person or Persons specified in such merely repeated Entry.

V. In estimating the yearly Value of Lands and Heritages under this Act, the same shall be taken to be the Rent at which, one Year
 20 with another, such Lands and Heritages might in their actual State be reasonably expected to let from Year to Year; and where such Lands and Heritages are bonâ fide let for a yearly Rent conditioned as the fair annual Value thereof, without Grassum or Consideration other than the Rent, such Rent shall be deemed and taken to be the
 25 yearly Rent or Value of such Lands and Heritages in Terms of this Act: Provided always, that if such Lands and Heritages be let upon a Lease the stipulated Duration of which is more than Twenty-one Years from the Date of Entry under the same, or in the Case of Minerals more than Thirty-one Years from such Date of Entry, the
 30 Rent payable under such Lease shall not necessarily be assessed as the yearly Rent or Value of such Lands and Heritages, but such yearly Rent or Value shall be ascertained in Terms of this Act, irrespective of the Amount of Rent payable under such Lease, and the Lessee under such Lease shall be deemed and taken to be also the
 35 Proprietor of such Lands and Heritages in the Sense of this Act, but shall be entitled to Relief from the actual Proprietor thereof, and to Deduction from the Rent payable by him to such actual Proprietor, of such Proportion of all Assessments laid on upon the Valuations of such Lands and Heritages made under this Act, and payable by such
 40 Lessee as Proprietor in the Sense of this Act, as shall correspond to the Rent payable by such Lessee to such actual Proprietor as compared with the Amount of such Valuation: Provided always, that nothing contained in this Act shall affect the Power of Classification conferred by an Act passed in the Eighth and Ninth Years of the

Yearly Rent
or Value, how
to be esti-
mated.

Reign of Her. present Majesty, intituled “ An Act for the Amend-
 “ ment and better Administration of the Law relating to the Relief
 “ of the Poor in Scotland.”

Assessor
 may call for
 written
 Statement
 of Rent.

VI. It shall be lawful for any Assessor acting under this Act to call upon any Person, being a Proprietor or reputed Proprietor or 5
 Tenant or Occupier within the County or Burgh or District for which such Assessor is appointed, for a written Statement of the yearly Rent or Value and of all other Particulars required by this Act of all Lands and Heritages within such County or Burgh or District of which such Person is Proprietor or reputed Proprietor, or Tenant or 10
 Occupier ; and if any such Person shall, without reasonable Excuse, fail to furnish such written Statement to such Assessor within Fourteen Days after he shall be called upon in Writing so to do, he shall be liable to pay a Penalty not exceeding Twenty Pounds ; and if any such Person shall present or cause to be presented to such Assessor 15
 any false Statement of such yearly Rent or Value or other Particulars as aforesaid, he knowing the same to be false, he shall be liable to pay a Penalty of Fifty Pounds.

Sheriff to
 hold Courts
 of Appeal.

VII. The Sheriff of every County shall annually on or before the Fifteenth but not earlier than the First Day of November in each 20
 Year hold a Court for hearing Appeals against Valuations made by such Assessors as aforesaid under this Act, which Court may be adjourned from Time to Time ; and at such Court, and at latest on or before the Thirty-first Day of December in each Year, all such Appeals and Complaints under this Act shall be disposed of ; and 25
 such Courts or adjourned Courts of Appeal shall be held in such and as many Places within such County and Burgh respectively as the Sheriff of such County shall appoint ; and the Deliverances of such Sheriff upon such Appeals and Complaints shall be final and conclusive, and not subject to Review. 30

Persons
 entitled to
 appeal.

VIII. All Persons whose Names shall have been entered by the Assessors in the Valuation Roll of the County or Burgh respectively, whether as Proprietors or Tenants or Occupiers, shall be entitled to appeal to the said Sheriff with reference to such Entry : Provided always, that the Appellant shall, Six Days at least before such Appeal 35
 is heard, intimate in Writing to the Assessor that he is to maintain such Appeal, and specify the Amount of Valuation which he alleges should be substituted for the Amount stated by the Assessor.

Procedure
 at Appeal
 Courts.

IX. It shall be competent to the Sheriff in the hearing of Appeals under this Act to examine the Parties and their Witnesses on Oath, 40
 and to call for all Papers and Documents which he may deem necessary ;

sary; and every Court of Appeal shall be attended by the Sheriff Clerk and Town Clerks having the Custody of the Valuation Rolls of the County and Burghs within the same respectively, and also by the Assessors by whom the several Valuations under Appeal were
 5 made, and such Assessors shall answer upon Oath all competent Interrogatories which may be put to them with reference to the Matters involved in such Appeals; and every Sheriff Clerk and Town Clerk shall give Obedience to the Directions of the Sheriff in Matters appertaining to this Act; and it shall not be necessary for the Sheriff
 10 to keep any formal Record of his Proceedings, except only a Note of the Assessment, Appeal, and Judgment; but he may, if he thinks proper, cause any Deposition which may be made before him to be taken down in Writing, and signed by the Deponent, and may authenticate it as having been made in his Presence; and every such
 15 Deposition so taken down, signed, and authenticated shall be deemed and taken to be good Evidence in any Prosecution for Perjury.

X. The Valuation Roll, when made up by the Assessor, shall be retained by him until the Thirty-first Day of October in each Year, when he shall transmit it to the Sheriff Clerk of the County or to
 20 the Town Clerk of the Burgh, as the Case may be, or, if there be no Town Clerk, to such other Person as the Chief Magistrate of the Burgh, or if there be no such Magistrate the Sheriff of the County, may specially appoint for the Purpose, which he is hereby required in such Case to do, as Occasion requires; and, except while in use for
 25 the Purpose of Collection of Assessments in Terms of this Act, the said Valuation Roll shall thereafter remain in the Office of such Sheriff Clerk or Town Clerk, or other Person specially appointed as aforesaid, patent to every Person having Interest therein, either as Proprietor, Tenant, or Occupier, and no Fee of any kind shall be
 30 charged to any such Person for Liberty to inspect the same.

Valuation Roll to be retained by Assessor till 31st October yearly, and thereafter to be open to Inspection.

XI. As soon as all Appeals taken under this Act shall have been disposed of by the Sheriff, and the Valuation of the County or Burgh shall have been thereby completed, the said Valuation Roll shall be authenticated by the Signature of the Sheriff, and shall then be in force
 35 as the Valuation Roll of the County or Burgh, as the Case may be, for the Year commencing at the Term of Whitsunday immediately preceding, and ending at the Term of Whitsunday immediately following; and every Person whose Name shall be entered in any Valuation Roll under this Act shall be entitled to Access thereto in
 40 order to inspect the same, at such reasonable Times as may be prescribed by the Sheriff of the County, on Payment of such Fee, not exceeding Sixpence for each such Inspection, as the Sheriff may fix.

Valuation Roll, when completed, to be authenticated, and to be in force for a Year.

Complaints
with regard
to Assessors
Valuations.

XII. If any Complaint shall be made to the Sheriff of any County, to the Effect that the yearly Rent or Value of any Lands or Heritages within such County or any Burgh within the same respectively has been stated by the Assessor in the Valuation Roll of such County or Burgh at less than the just and true Amount thereof, such Sheriff 5 may, if he thinks fit, make Inquiry into such Complaint, after giving not less than Six Days Notice to the Proprietor and Occupier of such Lands and Heritages of the Time and Place when such Inquiry will be gone into, and may thereupon raise the Amount of the yearly Rent or Value of such Lands and Heritages in the Valuation Roll of 10 such County or Burgh to such Extent as, after such Inquiry, may appear to him to be just; and the Sheriff Clerk, in the Conduct of such Inquiries as aforesaid, shall have all the same Powers and Authorities as are by this Act conferred upon him with reference to Appeals.

Expenses of
Valuations,
how to be
defrayed.

XIII. After the Completion of each annual Valuation as aforesaid 15 under this Act, the Commissioners of Supply of each County and the Magistrates of each Burgh shall cause an Account to be made up of the Costs and Expenses attending the same, and shall ascertain and fix the just Amount thereof, and shall cause such Amount, along with such reasonable Sum as they may deem necessary to meet the 20 Expenses of Collection, to be assessed upon the Lands and Heritages within their County or Burgh respectively, included in such Valuation, by a rateable Assessment upon such Lands and Heritages according to the yearly Rent or Value thereof as fixed by such Valuation, the Proprietors and Occupiers of such Lands and Heritages being liable to 25 pay such Assessment equally between them, or, in the Option of such Commissioners of Supply or Magistrates respectively, shall cause such Amount to be assessed along with and as Part of and by way of Addition to any other Assessment which may be leviable according to the Valuation established by this Act within such County or 30 Burgh; and any Balance of Funds remaining on hand from Time to Time in any County or Burgh, arising from such Assessment under this Act in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Commissioners of Supply of each County 35 and the Magistrates of each Burgh respectively, in such Manner as they may deem fit, for defraying the Expenses of making up Valuation Rolls under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that where in any County or Burgh there are or shall be Funds available for the Purpose, it shall 40 be lawful for the Commissioners of Supply of such County or Magistrates of such Burgh, as the Case may be, to defray such Costs and Expenses as aforesaid out of such available Funds, in place of resorting to Assessment under the Provisions of this Act.

XIV. From

CLAUSE. A.
New Qualifi-
cation for
Commis-
sioners of
Supply.

XIV. From and after the passing of this Act, no Person, other than a Person duly qualified as after mentioned, shall be qualified to act as Commissioner of Supply in any County; and any Person not duly qualified as aforesaid acting as such Commissioner shall be
5 subject and liable to the Penalties presently attached by Law to the acting as a Commissioner of Supply without Qualification; and from and after the passing of this Act the Qualification requisite for a Commissioner of Supply in any County shall be the being Sheriff of such County, or the being Provost or Baillie of a Burgh within the
10 Limits of such County, or the being Proprietor infeft in Liferent, or in Fee not burdened with a Liferent, in Lands and Heritage within such County, or within any Burgh locally situated therein, of the yearly Rent or Value, in Terms of this Act, of at least One hundred Pounds, or the being eldest Son and Heir Apparent of a Proprietor
15 infeft in Fee not burdened with a Liferent in Lands and Heritages within such County of the yearly Rent or Value, in Terms of this Act, of Four hundred Pounds; and the Factor of any Proprietor or Proprietors infeft, either in Liferent or in Fee unburdened as aforesaid, in Lands and Heritages within such County of the yearly Rent or Value,
20 in Terms of this Act, of Eight hundred Pounds, shall be qualified to act as a Commissioner of Supply in the Absence of such Proprietor or Proprietors: Provided always, that, with reference only to the Qualification of Commissioners of Supply under this Act, the yearly Rent or Value of Houses and other Buildings, not being Farmhouses or
25 Offices or other agricultural Buildings, shall be estimated at only One Half of their actual yearly Rent or Value, in Terms of this Act: Provided also, that all Persons who shall, on the First Day of May One thousand eight hundred and fifty-four, have been in actual Possession of the Qualification then required by Law for a Commis-
30 sioner of Supply, and entitled to act as such Commissioner, shall, so long as he shall continue to possess such last-mentioned Qualification, be deemed to be in possession of the Qualification requisite for a Commissioner of Supply in Terms of this Act.

CLAUSE B.
Assessor of
Railways
and Canals
to be ap-
pointed.

XV. In order to the making up of Valuations and Valuation Rolls
35 of Lands and Heritages in Scotland belonging to or leased by Railway or Canal Companies, and forming Part of the Undertakings of such Companies, it shall be lawful for Her Majesty to appoint, as Occasion requires, a fit and proper Person to be Assessor of Railways and Canals for the Purposes of this Act; and the Remuneration or Salary
40 to be paid to such Assessor of Railways and Canals in respect of his own Time and Trouble, and in respect of any Clerks or other Officers whom he may be allowed by the Commissioners of Her Majesty's Treasury to employ in the Execution of his Duties under this Act, shall be fixed from Time to Time by the said Commissioners of Her

Majesty's Treasury; and such Assessor of Railways and Canals shall, before entering on the Duties of his Office, declare that he will faithfully and honestly perform the Duties thereof, and shall be removeable by Her Majesty at Pleasure.

CLAUSE C.
Such As-
sessor to
make up
annually a
Valuation
Roll of Rail-
ways and
Canals.

XVI. The Assessor of Railways and Canals under this Act shall, 5
on or before the Fifteenth Day of September One thousand eight
hundred and fifty-five, and on or before the Fifteenth Day of Sep-
tember in every subsequent Year, inquire into and fix in cumulo,
having due regard to the Yearly Profits of the Line, the yearly Rent
or Value, in Terms of this Act, of all Lands and Heritages in Scotland 10
belonging to or leased by each Railway and Canal Company, and
forming Part of its Undertaking; and shall also inquire into and fix
the gross Amount expended upon the several Stations, Depôts, Count-
ing-houses, and other Houses and Places of Business respectively, in
Scotland, of or connected with each such Undertaking (including the 15
Solum on which such Stations and others are erected), and shall also
inquire into and fix all other Matters necessary to enable him to make
up a Valuation Roll of Railways and Canals as after mentioned; and
such Assessor of Railways and Canals shall make up a Valuation
Roll, applicable to all Railway and Canal Companies having Lands 20
and Heritages as aforesaid, in which Valuation Roll shall be set forth,
in Columns, the yearly Rent and Value, in Terms of this Act, of the
whole Lands and Heritages, in Scotland, belonging to or leased by
each such Railway or Canal Company respectively, and forming Part
of its Undertaking; the Names of the several Parishes, Counties, 25
and Burghs through which the Line of such Railway or Canal Com-
pany runs, or in which its said Lands or Heritages, or any Part thereof,
are situated; the lineal Measurement of its entire Line, and the Portion
of such lineal Measurement situated in each such Parish, County, and
Burgh; the gross Amount expended upon its several Stations, Depôts, 30
Counting-houses, and Houses and Places of Business in Scotland,
(including as aforesaid,) the Proportion of such gross Amount ex-
pended in each such Parish, County, and Burgh, and, where any
Stations, Depôts, Counting-houses, or other Houses or Places of
Business are held or used jointly by any Two or more Railway or 35
Canal Companies, the Proportions in which such Railway and Canal
Companies are respectively interested therein, and also the yearly Rent
or Value, in Terms of this Act, ascertained as after mentioned, of the
Portion in each Parish, County, and Burgh in Scotland of the Lands
and Heritages belonging to or leased by each Railway and Canal 40
Company, and forming Part of its Undertaking.

CLAUSE D.
Mode in
which the
yearly Rent

XVII. The yearly Rent or Value, in Terms of this Act, of the
Lands and Heritages in any Parish, County, or Burgh belonging to
or

or leased by any Railway or Canal Company, and forming Part of the Undertaking of such Company, shall be ascertained as follows; that is to say, there shall be deducted, in the first place, from the cumulo yearly Rent or Value of the whole Lands and Heritages in Scotland as aforesaid of each such Railway or Canal Company a Sum equal to Three Pounds per Centum of the whole Amount expended on the Stations, Depôts, Counting-houses, and other Houses and Places of Business in Scotland of and connected with the Undertaking of such Railway or Canal Company (including as aforesaid); and the Proportion of such diminished cumulo Rent or Value corresponding to the lineal Measurement of the Portion of the Line, including Ferries attached thereto, of such Railway or Canal Company, situated in such Parish, County, or Burgh, as compared with the lineal Measurement of the entire Line, including Ferries as aforesaid, of such Railway or Canal Company, with the Addition of a Sum equal to Three Pounds per Centum of the Amount, if any, expended on any Station, Depôt, Counting-house, or other House or Place of Business, within such Parish, County, or Burgh, or of or connected with the Undertaking of such Railway or Canal Company (including as aforesaid), shall be deemed and taken to be the yearly Rent or Value, in Terms of this Act, of the Lands and Heritages in such Parish, County, or Burgh belonging to or leased by such Railway or Canal Company, and forming Part of its Undertaking.

or Value of
Railways
and Canals
is to be
ascertained.

XVIII. Where any Water Company, or Gas Company, or other Company having any continuous Lands and Heritages liable to be assessed in more than One Parish, County, or Burgh, shall desire to have such Lands and Heritages assessed by the Assessor of Railways and Canals under this Act, it shall be competent to such Water or Gas or other Company to make Intimation in Writing of such Desire, under the Hand of its Manager, Secretary, or other Principal Officer, at any Time before the Fifteenth Day of May in the Year One thousand eight hundred and fifty-five, or before the Fifteenth Day of May in any subsequent Year, and the Sheriff of the County within which such Lands and Heritages, or the Head Office and Place of Business in Scotland of such Water or Gas or other Company are situated; and such Sheriff shall forthwith make such public Advertisement of his having received such Intimation as to him shall seem necessary or proper; and also shall make special Intimation thereof to the Assessor of Railways and Canals under this Act; and thereupon such Assessor of Railways and Canals shall be exclusively charged, subject to Appeal as herein provided, with the Valuation of the Lands and Heritages in Scotland of such Water or Gas or other Company in Terms of this Act; and such Assessor of Railways and Canals shall on or before the Fifteenth Day of September in the Year One

CLAUSE O.
Water, Gas,
and other
Companies
may have
their Lands
and Heri-
tages valued
by the
Assessor of
Railways
and Canals.

thousand eight hundred and fifty-five, and on or before the Fifteenth Day of September in every subsequent Year, inquire into and fix in cumulo, having due regard to the yearly Profits of such Water or Gas, or other Company, the yearly Rent and Value, in Terms of this Act, of all Lands and Heritages in Scotland belonging to or leased by such Water or Gas or other Company, and forming Part of its Undertaking; and shall also inquire into and fix the just Proportions of such cumulo yearly Rent or Value applicable to each Parish, County, and Burgh in Scotland in which such Water or Gas or other Company is liable to be assessed as aforesaid; and such Assessor of Railways and Canals shall include in the Valuation Roll to be made up by him under this Act, all the Water Companies, Gas Companies, and other Companies, whose Lands and Heritages shall be valued by him as aforesaid, and shall set forth in such Valuation Roll, in Columns, the yearly Rent or Value, in Terms of this Act, in cumulo, of the whole Lands and Heritages in Scotland belonging to or leased by each such Water, Gas, and other Company respectively, and forming Part of its Undertaking; the Names of the several Parishes, Counties, and Burghs in which its said Lands and Heritages, or any Part thereof are situated; and also the yearly Rent or Value, in Terms of this Act, of the Portion in each such Parish, County, and Burgh, separately and respectively, of the Lands and Heritages belonging to or leased by each such Water, Gas, and other Company respectively, and forming Part of its Undertaking.

CLAUSE E.
Notice of
Valuation to
be given to
Railway and
Canal Com-
panies, &c.
who may ap-
peal there
against to the
Senior Lord
Ordinary of
the Court of
Session.

XIX. As soon as may be after the Fifteenth Day of September and not later than the Thirtieth Day of September in each Year, the said Assessor of Railways and Canals under this Act shall transmit or cause to be transmitted to each Railway and Canal and other Company included in his Valuation, either through the Post Office, or by causing the same to be left at the Head or other known Office of Business of each such Company, a Copy of every Entry in his Valuation Roll wherein such Company shall be set forth, either as Proprietor, Tenant, or Occupier; and if such Company consider themselves aggrieved by such Valuation, they may obtain Redress by satisfying such Assessor of Railways and Canals, on or before the Thirty-first Day of October next ensuing, that they have well-founded Ground of Complaint, and obtaining an Alteration by him of his Valuation accordingly, which Alteration he is in such Case authorized to make, or by lodging a Note of Appeal, on or before such last-mentioned Date, to the Senior Lord Ordinary in the Outer House of the Court of Session, or where the Lands and Heritages belonging to such Company are all situated within One County, then to the Sheriff of such County; and all Proceedings before such Lord Ordinary or Sheriff, as the Case may be, under this Act, shall be summary, and may be taken either

either in Court or at Chambers, and shall be conducted in such Way as such Lord Ordinary or Sheriff respectively may prescribe or allow; and any Deliverance which shall be pronounced by such Lord Ordinary or Sheriff, as the Case may be, on such Objections on or before the

5 Thirty-first Day of December next, after such Appeal is entered, and such Objections are made, shall receive Effect, and it shall be the Duty of such Assessor of Railways and Canals to alter his Valuation in conformity therewith; and such Deliverance, and the Valuation of the said Assessor of Railways and Canals, if not appealed against, or if appealed

10 against in so far as not altered by a Deliverance of the Lord Ordinary or Sheriff as aforesaid, shall be final and conclusive, and not subject to review.

XX. The Valuation Roll to be made up by the Assurer of Railways and Canals, while the same is in the Hands of such Assessor, shall be

15 patent to all Persons having Interest therein, and no Fee of any kind shall be charged to any such Person for Liberty to inspect the same; and it shall be competent to any Parish, County, or Burgh, having Interest in any Valuation therein contained, to object to and represent against the same to the Senior Lord Ordinary in the Outer House of

20 the Court of Session, or when the Lands and Heritages belonging to any Railway or Canal or other Company included in such Valuation Roll are all situated within One County, then to the Sheriff of such County, and such Lord Ordinary or Sheriff, as the Case may be, shall afford to the Company to which such Objection applies an Oppor-

25 tunity of answering such Objection, and may also, if he think it necessary or proper, afford such Opportunity to the Assessor of Railways and Canals, or to any Person or Persons whom he may consider to be interested in such Objection; and any Deliverance which shall be pronounced by him on such Objections on or before the Thirty-first

30 Day of December next after such Objections are made shall be given effect to, and be final and conclusive.

CLAUSE F.
Any Parish, County, or Burgh interested in any Railway or Canal Valuation may appeal against the same to the Lord Ordinary.

XXI. For the Purpose of making the Valuations of the Lands and Heritages of Railway and Canal and other Companies by the Assessor of Railways and Canals under this Act, it shall be lawful for such

35 Assessor of Railways and Canals to require the Attendance before him of any Persons as Witnesses, and to examine such Witnesses on Oath, and also to call from Time to Time upon any Railway or Canal or other Company to be included in his Valuation, for detailed State-

40 ments of the yearly Revenue of its Undertaking, distinguishing the different Sources thereof, and the Amount derived from each such Source, and also in the Case of Railways and Canals of the Sums expended on each of its Stations, Depôts, Counting-houses, and other Houses and Places of Business (including the Solum on which

CLAUSE G.
Assessor of Railways and Canals may call for Books and Writings, &c. and if such are refused, Right of Appeal to be forfeited.

such Stations and others are erected), and also of the Parishes, Counties, and Burghs in which such Stations, Depôts, Counting-houses, and other Houses and Places of Business are severally situated, and of the lineal Measurement of the whole, any, each, and every Part of its Line, and to call for Production from Time to Time of any Books, 5 Vouchers, or other Writings in the Possession of any Railway or Canal or other Company relating to or bearing upon any Matters aforesaid, or to or upon the Subject of the Inquiries of such Assessor under this Act; and if any such Company, or its Manager or Secretary, or the Chairman of its Board of Directors, all for the Time being, shall 10 wilfully refuse or delay to furnish any such Statements, or to make any such Production, when required by the Assessor of Railways and Canals as aforesaid, such Company shall not be entitled to appeal against or object to the Valuation of such Assessor of Railways and Canals for the Year in which such Refusal or Delay takes place, any- 15 thing in this Act to the contrary notwithstanding.

CLAUSE H.
Valuations of
Railways and
Canals, &c.,
when com-
pleted, to be
authenti-
cated, and
communi-
cated to the
Clerks of
Supply and
Town
Clerks, and
to be in
force for a
Year.

XXII. The Valuation Roll to be made annually up as aforesaid by the Assessor of Railways and Canals under this Act shall, as soon as may be after the Thirty-first Day of December in each Year, be authenticated by the Signature of such Assessor, and such Valuation Roll shall then 20 be in force as the Valuation Roll of Railway and Canal and other Companies for the Year commencing at the Term of Whitsunday immediately preceding and ending at the Term of Whitsunday immediately following; and the Assessor of Railways and Canals under this Act shall, on or before the thereby First Day of December in 25 each Year, transmit to the Sheriff Clerk of each County and to the Town Clerk of each Burgh in which any Portion of the Undertaking of any such Company is situated a certified Copy of the Valuation, in Terms of this Act, taken from such Valuation Roll, of the Lands and Heritages within such County or Burgh respectively belonging to 30 or leased by and forming Part of the Undertaking of such Company; and such Valuation relating to such Company shall be engrossed by such Sheriff Clerk or Town Clerk, as the Case may be, in the Valuation Roll of such County or Burgh, and shall be authenticated by the Signature of such Sheriff Clerk or Town Clerk, and shall be thence- 35 forward deemed and taken to be a Part of such Valuation Roll of such County or Burgh.

CLAUSE I.
Valuation
Rolls of
Railways and
Canals, &c.
to be trans-
mitted
periodically
to the Gene-
ral Register
House, for
Preservation,

XXIII. The Valuation Rolls of Railway and Canal and other Companies, to be made up by the Assessor of Railways and Canals in Terms of this Act, shall be periodically transmitted by the Assessor 40 of Railways and Canals to the Lord Clerk Register, or his Deputy, for Preservation in the General Register House, in like Manner as the Valuation Rolls of Counties and Burghs are herein-after directed to be periodically transmitted as aforesaid.

XXIV. The

- XXIV. The Amount of the Remuneration or Salary of the Assessor of Railways and Canals under this Act, and of his Clerks and other Officers as aforesaid, shall, on or before the Eleventh Day of November in each Year, be paid by the Railway and Canal and other
- 5 Companies having Lands and Heritages included in the Valuation of Railways and Canals for the Year to which such Remuneration or Salary applies, to the Commissioners of Her Majesty's Treasury, or to such Person or Persons as they may appoint to receive the same, each Company paying a Proportion of such Remuneration or Salary cor-
- 10 responding to the yearly Rent or Value of its Lands and Heritages, ascertained in Terms of this Act, as compared with the yearly Rent or Value of the whole Lands and Heritages in Scotland of Railway and Canal and other Companies included in such Valuation; and in case of any Difference of Opinion as to the Proportions in which such
- 15 Remuneration or Salary should be borne by such Companies respectively, in Terms of this Act, the same shall be determined by the Commissioners of Her Majesty's Treasury, whose Award thereon shall be final; and on or before the Thirty-first Day of December in each Year the said Remuneration or Salary received from such Com-
- 20 panies as aforesaid shall be paid over by the Commissioners of Her Majesty's Treasury to the Assessor of Railways and Canals; and the Proportion of such Remuneration or Salary payable by each such Company, in Terms of this Act, shall be deemed to be a Debt due by such Company to the Crown, and shall be recoverable in like Manner
- 25 as any other Debt due to the Crown is recoverable by Law.

CLAUSE K.
Salary of the Assessor of Railways and Canals to be contributed rateably by Railway and Canal Companies, &c.

- XXV. No Valuation of any Lands or Heritages contained in any Valuation Roll under this Act shall be rendered void or be affected by reason of any Mistake or Variance in the Names of such Lands or Heritages, or in the Christian or Surname or Designation of any
- 30 Proprietor or Tenant or Occupier thereof; and no Valuation Roll which shall be made up and authenticated in Terms of this Act, and no Valuation which shall be contained therein, shall be challengeable, or be capable of being set aside or rendered ineffectual, by reason of any Informality, or of any Want of Compliance with the Provisions of
- 35 this Act, in the Proceedings for making up such Valuation or Valuation Roll.

Mistake or Misnomer not to affect Valuation.

- XXVI. When Valuations of the Lands and Heritages in Scotland shall have been established under this Act, the Valuations in force for the Time being under this Act shall form the Basis of every Assess-
- 40 ment upon Lands and Heritages which shall thereafter be assessed and levied under an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act for the Amendment and better Administration of the Law
- [108.] B 3 " relating

Poor Assessment to be levied upon Valuations established by this Act. 8 & 9 Vict. c. 83.

“ relating to the Relief of the Poor in Scotland;” and from and after the Establishment of such Valuations no Assessment under the said recited Act shall be assessed or levied either wholly or partially upon Means and Substance, but every such Assessment shall be assessed and levied, One Half upon the Owners and the other Half upon the 5 Tenants and Occupiers of all Lands and Heritages within the Parish or Combination to which such Assessment applies, rateably according to the yearly Rent or Value of such Lands and Heritages, but subject to the Powers of Classification contained in the said recited Act; and subject also to this Provision and Exception, that the Owner of any 10 Lands or Heritages, which shall be separately let at a Rent not exceeding Five Pounds per Annum, shall be charged with and have to pay the whole of the Assessment under the said recited Act and this Act on such Lands and Heritages separately let as aforesaid, and that no Part of such Assessment shall fall upon the Tenant or Occupier of 15 such Lands and Heritages; and the said recited Act is hereby repealed to the Extent which may be necessary to give Effect to this Enactment, but no further.

Prison Assessment to be upon Valuations established by this Act.
2 & 3 Vict.
c. 42.

XXVII. From and after the Establishment of Valuations of the Lands and Heritages in Scotland under this Act, every Assessment which 20 shall or might lawfully be assessed or levied under an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled “ An Act to improve Prisons “ and Prison Discipline in Scotland,” upon any Lands or Heritages, according to the annual Value of such Lands or Heritages, shall be 25 assessed and levied upon the Basis of the Valuations for the Time being established under this Act; and the said last-recited Act is hereby repealed to the Extent which may be necessary to give Effect to this Enactment, but no further.

Other Public Assessments leviable on real Rent to be levied upon Valuations established by this Act.

XXVIII. Where, in any County, Burgh, or Town, any County 30 Municipal, Parochial, or other public Assessment, or any Assessment under any Act of Parliament, is or might lawfully be assessed upon the real Rent of Lands and Heritages, the yearly Rent or Value of such Lands and Heritages, as appearing from the Valuation Roll in force for the Time under this Act in such County, Burgh, or Town, 35 shall, from and after the Establishment of such Valuation therein, be always deemed and taken to be the just Amount of such real Rent for the Purposes of such County, Municipal, Parochial, or other Assessment, and such Assessments shall be assessed and levied according to such yearly Rent or Value accordingly, any Law or Usage to the 40 contrary notwithstanding; and where in any County, Burgh, or Town, any County, Municipal, Parochial, or other Public Assessment, or any Assessment under any Act of Parliament, is or might be assessed upon Means

Means and Substance, such Assessment shall, from and after the Establishment of Valuations under this Act, be assessed and levied upon the yearly Rent or Value, in Terms of this Act, of such Lands and Heritages within such County, Burgh, or Town, One Half upon the
 5 Owners and the other Half upon the Tenants and Occupiers of such Lands and Heritages, but subject to the Provisions and Exceptions herein-before made and provided as regards Lands and Heritages separately let at a Rent not exceeding Five Pounds; and all Acts, Laws, and Usages to the contrary are hereby repealed in so far as
 10 necessary to give effect to this Enactment, but no further.

XXIX. In all Questions and Proceedings under any Act of Parliament relating to the Franchise, or to the Representation of the People in Parliament, it shall be sufficient to refer to an Entry in the Valuation Roll in force for the Time, or last in force under this Act in any
 15 County or Burgh, and such Entry shall be received and taken in all such Questions and Proceedings as conclusive Proof that the yearly Rent or Value of the Lands or Heritages specified therein is at the Date of such Reference, and has been from the Commencement of the Year to which such Valuation Roll applies, of the Amount therein set
 20 forth, and also as sufficient Evidence, until the contrary be proved, that the Persons stated therein to be Proprietors, Tenants, or Occupiers thereof are at the Date of such Reference, and have been from the Commencement of the Year to which such Valuation Roll applies, such Proprietors, Tenants, and Occupiers respectively; and it shall
 25 be competent in all Cases, notwithstanding anything in any existing Act of Parliament to the contrary, to refer to such Valuation Roll in such Appeal Court, although such Valuation Roll may not have been produced or referred to in the Registration Court; and it shall be the Duty of every Sheriff Clerk of a County and Town Clerk of
 30 a Burgh officiating or who ought to officiate at any Registration Court or Court of Appeal under any such Act of Parliament, to have the Valuation Roll of the County or Burgh, as the Case may be, in force for the Time under this Act, on the Table of such Registration Court or Court of Appeal, as the Case may be, for Reference, as
 35 aforesaid.

Valuation
Roll to be
Evidence in
Registration
and Appeal
Courts.

XXX. The Valuation Rolls to be made up in Terms of this Act shall be, as nearly as may be, in the Forms of the Schedules hereunto annexed, and shall be otherwise in such Form and of such Dimensions as may be prescribed by the Lord Clerk Register of Scotland, or his
 40 Deputy; and at the Expiration of Six Years from the Date of the passing of this Act, and at the Expiration of every subsequent Period of Six Years thenceforward, every Sheriff Clerk and Town Clerk or other Person, being Custodier of the Valuation Rolls of any County

CLAUSE L.
Valuation
Rolls to be
made up in
prescribed
Form, and
to be trans-
mitted peri-
odically to
the General
Register
House for
Preservation.

or Burgh under this Act, shall transmit or cause to be transmitted to the said Lord Clerk Register or his Deputy, in order to Preservation thereof in the General Register House of Scotland, the whole Valuation Rolls of such County or Burgh then completed, and not previously transmitted, other than the Valuation Rolls of such County 5 or Burgh in force for the Time being.

CLAUSE M.
Public
Buildings,
&c. ex-
empted from
Assessment,
and not to be
valued under
this Act.

XXXI. All Courts of Law, Prisons, Barracks, Lighthouses, and other Buildings belonging to Government, or maintained at the Public Expense, and all County Buildings, Town Houses of Burghs, and all Buildings and Places solely used for the Purposes of Religion or 10 of Education or of public Charity, and all Buildings and Places solely used as Public Libraries or Reading Rooms, and to which the Public are admitted free of all Charge, and all Buildings and Places which are entitled to Exemption from local Rates or Assessments by the Provisions of an Act passed in the Session of Parliament holden in the 15 Sixth and Seventh Years of the Reign of Her present Majesty, intituled " An Act to exempt from County, Borough, Parochial, and other local " Rates Lands and Buildings occupied by Scientific or Literary " Societies," shall, from and after the passing of this Act, be exempted from all County, Municipal, Parochial, and other Assessments, of 20 whatsoever Kind or Description, imposed or to be imposed under any Act of Parliament, Law, or Usage now existing, or under any Act of Parliament hereafter to be passed, unless such future Act of Parliament shall expressly direct to the contrary; and no Lands or Heritages so exempted from Taxation shall be included in any Valuation 25 Roll to be made up under this Act.

Boundaries
of Burghs.

XXXII. The Limits and Boundaries of such Burghs as send, or contribute to send, a Member or Members to Parliament shall, for the Purposes of this Act, be taken and held to be according to the Limits and Boundaries prescribed by an Act passed in the 30 Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled " An Act to amend the Representation of the People in Scot- " land : " Provided always, that where the Boundaries of any Burgh are not prescribed by the before-recited Act of the Second and Third 35 Years of the Reign of His Majesty King William the Fourth, the same shall be determined by the Sheriff of the Sheriffdom in which such Burgh is situated, or, if such Burgh be situated partly in one County and partly in another, by the Sheriff of that Sheriffdom in which the greater Part of such Burgh may be situated; and, as soon 40 as may be after the passing of this Act, every Sheriff to whom such Power of fixing the Boundaries of any Burgh for the Purposes of this Act is hereby committed shall, by Letter, to be addressed by him to the Chief

Chief or Senior Magistrate or other Administrator on behalf of such Burgh, require such Magistrate or other Administrator of such Burgh to attend him at a Time and Place to be fixed in such Letter, and shall at such Time and Place, or at any Time or Place to which the Sheriff
5 may adjourn the Inquiry, take such Evidence as may be adduced to him, or as he may think necessary, and shall thereupon, by Writing under his Hand, fix and determine the Boundaries of such Burgh for the Purposes of this Act, and shall cause such written Determination to be recorded in the Sheriff Court Books of his County, and shall
10 furnish an official Extract therefrom to such Magistrate or Administrator; and such Determination shall, when so recorded, fix and determine the Boundaries of such Burgh for the Purposes of this Act.

XXXIII. Every Penalty imposed by this Act may be recovered by summary Proceeding, upon Complaint in Writing made in Name of
15 an Assessor under this Act to the Sheriff of the Sheriffdom in which the Offence shall have been committed, or to the Sheriff of any Sheriffdom in which the Offender may be found; and on such Complaint being made such Sheriff shall issue a Warrant or Order requiring the Party complained against to appear on a Day and at a Time and Place to
20 be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereupon the same has proceeded; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful
25 for the Sheriff to proceed to the Hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the
30 Penalty incurred, as well as such Expenses as the Sheriff shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall
35 be discharged, notwithstanding such Penalty or Expenses shall not have been paid, which Period shall in no Case exceed Three Calendar Months.

XXXIV. The Sheriff by whom any Penalty shall be imposed by virtue of this Act shall award such Penalty to be applied for the
40 Purposes of this Act within the County or Burgh in which the Offence was committed, and shall order the same to be paid over to the Complainer, or to some other Person for that Purpose: Provided always, that no Person shall be liable to the Payment of any
[108.] C Penalty

Recovery of Penalties.

Application of Penalties.

Penalty imposed by virtue of this Act unless such Penalty shall have been prosecuted for within Six Calendar Months after the Commission of the Offence for which it has been incurred.

CLAUSE N.
Where Assessments are levied under Local Acts on a different Valuation to that established by this Act, Sheriff of the County to fix Percentage.

XXXV. Where in any Burgh or Parish or County under any Local Statute any Assessment, Rate, or Tax, on a fixed Sum or Percentage has been levied on Lands and Heritages, but according to a different Valuation from that established by this Act, it shall be lawful for the Sheriff on an Application from any Ratepayer within such County, Burgh, or Parish, to fix and determine, after such Inquiry and Notice as he shall think proper, what Percentage, according to the Valuation to be made under this Act, will produce the Sum which, on an Average of Three preceding Years, had been collected under such Assessment, Rate, or Tax, and the Percentage so fixed by the Sheriff shall hereafter be held to be the Percentage provided by such Local Statute.

Interpretation Clause.

XXXVI. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except when the Nature of the Provision or the Context of the Act shall exclude or be repugnant to such Construction; (that is to say,) the Expression "Lands and Heritages" shall extend to and include all Lands, Houses, Teinds, Manses, Glebes, Shootings, and Deer Forests, where such Shootings or Deer Forests are actually let, Fishings, Copse and Underwood from which Revenue is actually derived, Ferries, Quays, Wharfs, Docks, Canals, Railways, Mines, Minerals, Quarries, Coalworks, Waterworks, Limeworks, Brickworks, Ironworks, Gasworks, Factories, and all Buildings and Pertinents thereof, and all Machinery fixed or attached to any Lands or Heritages; the Word "Oath" shall include the Affirmation of a Quaker, Separatist, or Moravian; the Word "Proprietor" shall apply to Liferenters as well as Fiars, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wadsetters, or other Persons who shall be in the actual Receipt of the Rents and Profits of Lands and Heritages; the Word "Factor" shall mean a Person acting under a probative Factory and Commission for the Proprietor or Proprietors for whom he is Factor, and in the bonâ fide actual Management as such Factor of the Lands and Heritages belonging to such Proprietor; the Word "Burgh" shall apply only to a City, Burgh, or Town, being a Royal Burgh, or which sends or contributes as a Burgh to send a Member to Parliament; the Expression "Magistrates of Burghs" shall include the Lord Provost, or Provost, or Chief Magistrate and Magistrates and Councils of Burghs, and all Persons being Members for the Time of such Magistracy or Council; the Word "Town" shall extend to and include all Burghs,

as

as well Royal and Parliamentary Burghs as Burghs of Barony or Regality, and all other Burghs whatsoever, and generally all Places situate within a County forming an Area of Assessment District from such County; the Word "County" shall include "Stewartry," and
5 shall include and apply to a County exclusive of the Burghs situated therein; the Expression "the Assessor" shall mean the Assessor under this Act of the County or Burgh or Portion or District of the County or Burgh for which he is Assessor, as distinguished from the Assessor of Railways and Canals under this Act.

SCHEDULE referred to in the foregoing Act.

VALUATION ROLL FOR COUNTIES.

County of Parish of

No.	Description of Subject.	Proprietor.	Tenant.	Occupier.	Yearly Rent or Value.			
					1854.	1855.	1856.	1857.
1	Farm of ———	A. B. of C.	E. F., residing at ———	G. H., residing at ———	1854.	1855.	1856.	1857.
-	Do.	Do.	Do.	Do.	150 <i>l.</i>	150 <i>l.</i>		
-	Do.	Do.	Do.	Do.	-	-	150 <i>l.</i>	
-	Do.	Do.	L. M., residing at ———	L. M., residing at ———	-	-	-	160 <i>l.</i>
-	Do.	Do.	Do.	Do.	-	-	-	-
2	House, Garden, and Grounds of ———	O. P. Esq., Mining Engineer.	-	O. P. aforesaid	40 <i>l.</i>	-	-	160 <i>l.</i>
-	Do.	Do.	-	Do.	-	40 <i>l.</i>		
-	Do.	R. S., Merchant in ———	-	Do.	-	-	40 <i>l.</i>	
-	Do.	Do.	-	R. S., Merchant in ———	-	-	-	35 <i>l.</i>
-	Do.	Do.	-	Do.	-	-	-	-

VALUATION ROLL FOR BURGHS.

Burgh [*or* City] of Year

No.	Description of Subject.	Proprietor.	Tenant.	Occupier.	Yearly Rent or Value.	
1	House, 9, High Street	A. B., residing at ———	C. D., Merchant -	C. D., Merchant -	70 <i>l.</i>	
2	Shop, 10, Do.	E. F., Architect -	G. H., Draper -	G. H., Draper -	50 <i>l.</i>	

Valuation of Lands.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

For the Valuation of Lands and Heritages
in Scotland.

(*Prepared and brought in by
The Lord Advocate and Viscount Palmerston.*)

*Ordered, by The House of Commons, to be Printed,
22 May 1854.*

[Bill 108.]

Under 3 oz.

22 May 1854. 17 VICT.



(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND
ON SECOND AND THIRD RE-COMMITMENTS]

FOR

The Valuation of Lands and Heritages in Scotland.

[Note.—*The Clauses marked A. to N. and the Schedule were added by the Committee, the Clause marked O. on Re-commitment, and the Clauses marked P. and Q. on Second Re-commitment.*]

WHEREAS it is expedient that One uniform Valuation be Freamble.
established of Lands and Heritages in Scotland, accord-
ing to which all public Assessments leviable or that may
be levied according to the real Rent of such Lands and Heritages may
5 be assessed and collected, and that Provision be made for such
Valuation being annually revised: Be it therefore enacted by the
Queen's most Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, as follows:—

- 10 I. The Commissioners of Supply of every County and the Commission-
ers of Supply
and Magis-
trates of
Burghs to
make up
Valuation
Roll an-
nually.
Magistrates of every Burgh in Scotland respectively shall annually
cause to be made up a Valuation Roll, showing the yearly Rent or
Value for the Time of the whole Lands and Heritages within such
County or Burgh respectively, and separately within each Parish or
15 Part of a Parish situated within such County or Burgh respectively,
and specifying in each Case the Nature of such Lands and Heritages,
and the Names and Designations of the Proprietors or reputed
Proprietors, and where there are Tenants or Occupiers, of the Tenants
and of the Occupiers thereof respectively; and in making up such
[Bill 142.] A Valuation

Valuation Roll such Commissioners and Magistrates respectively shall take the Assistance of the Officer of Inland Revenue charged with the Duty of assessing to the Income Tax in such County or Burgh respectively; and such Commissioners and Magistrates respectively may, from Time to Time, as often as they may deem it necessary, by their Order, in Writing, to be signed by their Clerk, require any Officer of Inland Revenue, charged with the Duty of assessing the Income Tax in such County or Burgh respectively, to appear before them when, and where, and as often as such Commissioners and Magistrates respectively may deem expedient, and to produce all Assessments and other Documents in the Custody or Power of such Officer relating to the Value of, or Assessment on, all or any of the Property within the several Parishes or Places within his District or Division, and to be examined on Oath, and answer such Questions as the said Commissioners and Magistrates respectively may put to him touching the said Assessments or the Value of the Property contained therein: Provided always, that it shall not be necessary to insert in any Valuation Roll under this Act the Names or Designations of the Tenants or Occupiers of any Lands and Heritages separately let for a shorter Period than One Year, or at a Rent not amounting to Four Pounds per Annum.

Appoint-
ment and
Duties of
Assessors.

II. In order to the making up of such Valuation, the Commissioners of Supply of each County and the Magistrates of each Burgh respectively shall, as Occasion requires, appoint One or more fit and proper Persons to be Assessors or Assessor for the Purposes of this Act; and it shall be the Duty of such Assessors annually to ascertain and assess the yearly Rent or Value of the several Lands and Heritages within the County or Burgh respectively, other than the Lands and Heritages of Railway and Canal Companies, which are herein-after specially provided for, and to make up such Valuation Roll thereof in the Manner by this Act prescribed; and every such Assessor shall be appointed either for the whole County or Burgh, or for some particular Portion or District thereof to be prescribed by the Commissioners of Supply or Magistrates respectively; and every such Assessor shall, on being appointed by the said Commissioners of Supply or Magistrates respectively, and before entering upon the Duties of his Office, declare that he will faithfully and honestly perform the Duties thereof; and every such Assessor shall be removeable at the Pleasure of the said Commissioners or Magistrates respectively.

Assessors to
make up
Valuation
Roll by 15th
September
in each Year.

III. In every County and Burgh the First Valuation Roll to be made up as aforesaid under this Act shall be made up by the Assessors acting under this Act on or before the Fifteenth Day of August

August One thousand eight hundred and fifty-five ; and a new Valuation Roll shall be annually made up by the Assessors on or before the Fifteenth Day of August in every subsequent Year.

- IV. On or before the Fifteenth Day of August, and not earlier than
 5 the Fifteenth Day of July in each Year, the Assessor shall transmit or cause to be transmitted to each Person included in his Valuation, whether as Proprietor or Tenant or Occupier, a Copy of every Entry in such Valuation Roll wherein such Person shall be set forth either as Proprietor or Tenant or Occupier, along with a Notice to such Person
 10 that if he considers himself aggrieved by such Valuation he may appeal against the same to the Sheriff of the County in Terms of this Act, or may obtain Redress without the Necessity of such Appeal, by satisfying the Assessor, on or before the Eighth Day of September in each Year, that he has well-founded Ground of Com-
 15 plaint; and such Copy and Notice may be served by handing the same to such Person personally, or leaving the same, or sending it through the Post Office, at his Residence or usual Place of Abode; and where the Residence or Place of Abode of such Person is unknown, it shall be sufficient if Service be made as aforesaid upon
 20 his Factor or Agent, or be addressed to him at the Office of the Sheriff Clerk of the County or Town Clerk of the Burgh, as the Case may be: Provided always, that where, in making up his Valuation as aforesaid, the Assessor is merely to repeat an Entry which occurred in the Valuation of the immediately preceding Year, it shall not be neces-
 25 sary for the Assessor to transmit such Copy and Notice as aforesaid to the Person or Persons specified in such merely repeated Entry.

Notice to be
 given to
 Persons
 whose Pro-
 perty is
 valued.

- V. In estimating the yearly Value of Lands and Heritages under this Act, the same shall be taken to be the Rent at which, one Year with another, such Lands and Heritages might in their actual State
 30 be reasonably expected to let from Year to Year; and where such Lands and Heritages consist of Woods, Copse, or Underwood, the yearly Value of the same shall be taken to be the Rent at which such Lands and Heritages might in their natural State be reasonably expected to let from Year to Year, as Pasture or Grazing Lands; and
 35 where such Lands and Heritages are bonâ fide let for a yearly Rent conditioned as the fair annual Value thereof, without Grassum or Consideration other than the Rent, such Rent shall be deemed and taken to be the yearly Rent or Value of such Lands and Heritages in Terms of this Act: Provided always, that if such Lands and Heritages be let
 40 upon a Lease the stipulated Duration of which is more than Twenty-one Years from the Date of Entry under the same, or in the Case of Minerals more than Thirty-one Years from such Date of Entry, the Rent payable under such Lease shall not necessarily be assessed as

Yearly Rent
 or Value, how
 to be esti-
 mated.

the yearly Rent or Value of such Lands and Heritages, but such yearly Rent or Value shall be ascertained in Terms of this Act, irrespective of the Amount of Rent payable under such Lease, and the Lessee under such Lease shall be deemed and taken to be also the Proprietor of such Lands and Heritages in the Sense of this Act, but shall be entitled to Relief from the actual Proprietor thereof, and to Deduction from the Rent payable by him to such actual Proprietor, of such Proportion of all Assessments laid on upon the Valuations of such Lands and Heritages made under this Act, and payable by such Lessee as Proprietor in the Sense of this Act, as shall correspond to the Rent payable by such Lessee to such actual Proprietor as compared with the Amount of such Valuation: Provided always, that nothing contained in this Act shall affect the Power of Classification conferred by an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act for the Amendment and better Administration of the Law relating to the Relief of the Poor in Scotland," or any Classification which may have been adopted in accordance with the Powers contained in the said recited Act, and which shall be in operation at the Date of the passing of this Act.

Assessor
may call for
written
Statement
of Rent.

VI. It shall be lawful for any Assessor acting under this Act to call upon any Person, being a Proprietor or reputed Proprietor or Tenant or Occupier within the County or Burgh or District for which such Assessor is appointed, for a written Statement of the yearly Rent or Value and of all other Particulars required by this Act of all Lands and Heritages within such County or Burgh or District of which such Person is Proprietor or reputed Proprietor, or Tenant or Occupier, and also of all Rates, Taxes, Charges, and public Burdens payable out of the same; and if any such Person shall, without reasonable Excuse, fail to furnish such written Statement to such Assessor within Fourteen Days after he shall be called upon in Writing so to do, he shall be liable to pay a Penalty not exceeding Twenty Pounds; and if any such Person shall present or cause to be presented to such Assessor any false Statement of such yearly Rent or Value or other Particulars as aforesaid, he knowing the same to be false, he shall be liable to pay a Penalty of Fifty Pounds.

Sheriff to
hold Courts
of Appeal.

VII. The Sheriff of every County shall annually on or before the Fifteenth but not earlier than the Tenth Day of September in each Year hold a Court for hearing Appeals against Valuations made by such Assessors as aforesaid under this Act, of which Ten Days Notice shall be given, which Court may be adjourned from Time to Time; and at such Court, and at latest on or before the Thirtieth Day of September in each Year, all such Appeals and Complaints under

under this Act shall be disposed of; and such Courts or adjourned Courts of Appeal shall be held in such and as many Places within such County and Burgh respectively as the Sheriff of such County shall appoint; and the Deliverances of such Sheriff upon such Appeals and Complaints shall be final and conclusive, and not subject to Review.

VIII. All Persons whose Names shall have been entered by the Assessors in the Valuation Roll of the County or Burgh respectively, whether as Proprietors or Tenants or Occupiers, shall be entitled to appeal to the said Sheriff with reference to such Entry: Provided always, that the Appellant shall, Six Days at least before such Appeal is heard, intimate in Writing to the Assessor that he is to maintain such Appeal, and specify the Amount of Valuation which he alleges should be substituted for the Amount stated by the Assessor.

Persons
entitled to
appeal.

IX. It shall be competent to the Sheriff in the hearing of Appeals under this Act to examine the Parties and their Witnesses on Oath, and to call for all Papers and Documents which he may deem necessary; and every Court of Appeal shall be attended by the Sheriff Clerk and Town Clerks having the Custody of the Valuation Rolls of the County and Burghs within the same respectively, and also by the Assessors by whom the several Valuations under Appeal were made, and such Assessors shall answer upon Oath all competent Interrogatories which may be put to them with reference to the Matters involved in such Appeals; and every Sheriff Clerk and Town Clerk shall give Obedience to the Directions of the Sheriff in Matters appertaining to this Act; and it shall not be necessary for the Sheriff to keep any formal Record of his Proceedings, except only a Note of the Assessment, Appeal, and Judgment; but he may, if he thinks proper, cause any Deposition which may be made before him to be taken down in Writing, and signed by the Deponent, and may authenticate it as having been made in his Presence; and every such Deposition so taken down, signed, and authenticated shall be deemed and taken to be good Evidence in any Prosecution for Perjury.

Procedure
at Appeal
Courts.

X. The Valuation Roll, when made up by the Assessor, shall be retained by him until the Eighth Day of September in each Year, when he shall transmit it to the Sheriff Clerk of the County or to the Town Clerk of the Burgh, as the Case may be, or, if there be no Town Clerk, to such other Person as the Chief Magistrate of the Burgh, or if there be no such Magistrate the Sheriff of the County, may specially appoint for the Purpose, which he is hereby required in such Case to do, as Occasion requires; and, except while in use for the Purpose of Collection of Assessments in Terms of this Act,

Valuation
Roll to be
retained by
Assessor till
31st October
yearly, and
thereafter to
be open to
Inspection.

the said Valuation Roll shall thereafter remain in the Office of such Sheriff Clerk or Town Clerk, or other Person specially appointed as aforesaid, patent to every Person having Interest therein, either as Proprietor, Tenant, or Occupier.

Valuation Roll, when completed, to be authenticated, and to be in force for a Year.

XI. As soon as all Appeals taken under this Act shall have been 5 disposed of by the Sheriff, and the Valuation of the County or Burgh shall have been thereby completed, the said Valuation Roll shall be authenticated by the Signature of the Sheriff, and shall then be in force as the Valuation Roll of the County or Burgh, as the Case may be, for the Year commencing at the Term of Whitsunday immediately 10 preceding, and ending at the Term of Whitsunday immediately following; and every Parish, Person or Persons, interested in any Valuation Roll under this Act, shall be entitled to inspect and make Copies of the same, or any Part thereof, at their own Expense, at such reasonable Times, and on Payment of such moderate Fee, and subject 15 to such Regulations, as the Sheriff may fix.

Complaints with regard to Assessors Valuations.

XII. If any Complaint shall be made to the Sheriff of any County, to the Effect that the yearly Rent or Value of any Lands or Heritages within such County or any Burgh within the same respectively has been stated by the Assessor in the Valuation Roll of such County 20 or Burgh at less than the just and true Amount thereof, such Sheriff may, if he thinks fit, make Inquiry into such Complaint, after giving not less than Six Days Notice to the Proprietor and Occupier of such Lands and Heritages of the Time and Place when such Inquiry will be gone into, and may thereupon raise the Amount of the yearly 25 Rent or Value of such Lands and Heritages in the Valuation Roll of such County or Burgh to such Extent as, after such Inquiry, may appear to him to be just; and the Sheriff in the Conduct of such Inquiries as aforesaid, shall have all the same Powers and Authorities as are by this Act conferred upon him with reference to Appeals. 30

CLAUSE P.
Powers of Supplementary Assessment granted by existing Acts of Parliament not to be affected.

XIII. Where, by any Act of Parliament, Power is given to make a Supplementary Assessment for any Portion of the Year from Whitsunday to Whitsunday, such Power shall not be affected by this Act; and the Assessors under this Act are hereby respectively authorized and required to make up such Supplementary Valuation Roll as may be 35 necessary in order to such Supplementary Assessment: Provided always, that such Supplementary Assessment shall be made upon the Proprietors, Tenants, or Occupiers liable thereto, according to the Valuations established by this Act of the respective Lands and Heritages of which they are such Proprietors, Tenants, and Occupiers 40 respectively for the Year, to a Portion of which such Supplementary Assessment applies: Provided also, that every Assessor making up such

such Supplementary Valuation Roll shall transmit or cause to be transmitted to each Person included therein, whether as Proprietor, Tenant, or Occupier, a Copy of every Entry in such Supplementary Valuation Roll wherein such Person shall be set forth either as Proprietor, Tenant, or Occupier, along with a Notice to such Person that if he considers himself aggrieved by such Supplementary Valuation he may appeal against the same as after mentioned, and it shall be lawful for every such Person to appeal within Fourteen Days thereafter to the Court of appeal established by this Act; and such Court shall have the Power of granting Relief against such Supplementary Valuation so appealed against, to such Extent and in such Way and Manner as to such Court may seem just.

XIV. After the Completion of each annual Valuation as aforesaid under this Act, the Commissioners of Supply of each County and the Magistrates of each Burgh shall cause an Account to be made up of the Costs and Expenses attending the same, and shall ascertain and fix the just Amount thereof, and shall cause such Amount to be apportioned upon the Parishes within such County and Burgh respectively, according to the yearly Rent or Value thereof as fixed by such Valuation, and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause such Amount along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed upon the Lands and Heritages within their County or Burgh respectively, included in such Valuation, by a rateable Assessment upon such Lands and Heritages according to the yearly Rent or Value thereof as fixed by such Valuation, the Proprietors and Occupiers of such Lands and Heritages being liable to pay such Assessment equally between them, or, in the Option of such Commissioners of Supply or Magistrates respectively, shall cause such Amount to be assessed along with and as Part of and by way of Addition to any other Assessment which may be leviable according to the Valuation established by this Act within such County or Burgh; and any Balance of Funds remaining on hand from Time to Time in any County or Burgh, arising from such Assessment under this Act in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Commissioners of Supply of each County and the Magistrates of each Burgh respectively, in such Manner as they may deem fit, for defraying the Expenses of making up Valuation Rolls under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that where in any County or Burgh there are or shall be Funds available for the Purpose, it shall be lawful for the Commissioners of Supply of such County or

Expenses of Valuations, how to be defrayed.

[142.] A 4 Magistrates

Magistrates of such Burgh, as the Case may be, to defray such Costs and Expenses as aforesaid out of such available Funds, in place of resorting to Assessment under the Provisions of this Act.

CLAUSE A.
New Qualifi-
cation for
Commis-
sioners of
Supply.

XV. From and after the passing of this Act, no Person, other than a Person duly qualified as after mentioned, shall be qualified to act as Commissioner of Supply in any County; and any Person not duly qualified as aforesaid acting as such Commissioner shall be subject and liable to the Penalties presently attached by Law to the acting as a Commissioner of Supply without Qualification; and from and after the passing of this Act the Qualification requisite for a Commissioner of Supply in any County shall be the being named as an ex-officio Commissioner of Supply in any Act of Supply, or the being Proprietor or the Husband of any Proprietress infest in Liferent, or in Fee not burdened with a Liferent, in Lands and Heritages within such County, of the yearly Rent or Value, in Terms of this Act, of at least One hundred Pounds, or the being eldest Son and Heir Apparent of a Proprietor infest in Fee not burdened with a Liferent in Lands and Heritages within such County of the yearly Rent or Value, in Terms of this Act, of Four hundred Pounds; and the Factor of any Proprietor or Proprietors infest, either in Liferent or in Fee unburdened as aforesaid, in Lands and Heritages within such County of the yearly Rent or Value, in Terms of this Act, of Eight hundred Pounds, shall be qualified to act as a Commissioner of Supply in the Absence of such Proprietor or Proprietors: Provided always, that, with reference only to the Qualification of Commissioners of Supply under this Act, the yearly Rent or Value of Houses and other Buildings, not being Farmhouses or Offices or other agricultural Buildings, shall be estimated at only One Half of their actual yearly Rent or Value, in Terms of this Act: Provided also, that all Persons who shall, on the First Day of May One thousand eight hundred and fifty-four, have been in actual Possession of the Qualification then required by Law for a Commissioner of Supply, and entitled to act as such Commissioner, shall, so long as he shall continue to possess such last-mentioned Qualification, be deemed to be in possession of the Qualification requisite for a Commissioner of Supply in Terms of this Act.

CLAUSE B.
Assessor of
Railways
and Canals
to be ap-
pointed.

XVI. In order to the making up of Valuations and Valuation Rolls of Lands and Heritages in Scotland belonging to or leased by Railway or Canal Companies, and forming Part of the Undertakings of such Companies, it shall be lawful for Her Majesty to appoint, as Occasion requires, a fit and proper Person to be Assessor of Railways and Canals for the Purposes of this Act; and the Remuneration or Salary to be paid to such Assessor of Railways and Canals in respect of his own

own Time and Trouble, and in respect of any Clerks or other Officers whom he may be allowed by the Commissioners of Her Majesty's Treasury to employ in the Execution of his Duties under this Act, shall be fixed from Time to Time by the said Commissioners of Her Majesty's Treasury; and such Assessor of Railways and Canals shall, before entering on the Duties of his Office, declare that he will faithfully and honestly perform the Duties thereof, and shall be removeable by Her Majesty at Pleasure.

- XVII. The Assessor of Railways and Canals under this Act shall, CLAUSE C.
Such As-
sessor to
make up
annually a
Valuation
Roll of Rail-
ways and
Canals.
- 10 on or before the Fifteenth Day of August One thousand eight hundred and fifty-five, and on or before the Fifteenth Day of August in every subsequent Year, inquire into and fix in cumulo the yearly Rent or Value, in Terms of this Act, of all Lands and Heritages in Scotland belonging to or leased by each Railway and Canal Com-
- 15 pany, and forming Part of its Undertaking; and shall also inquire into and fix the Amount which One Year with another would be required in order to the Acquisition, Formation, and Erection of the several Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business respectively, in Scotland, of or connected
- 20 with each such Undertaking (including the Solum on which such Stations and others are erected), and shall also inquire into and fix all other Matters necessary to enable him to make up a Valuation Roll of Railways and Canals as after mentioned; and such Assessor of Railways and Canals shall make up a Valuation Roll,
- 25 applicable to all Railway and Canal Companies having Lands and Heritages as aforesaid, in which Valuation Roll shall be set forth, in Columns, the yearly Rent and Value, in Terms of this Act, of the whole Lands and Heritages, in Scotland, belonging to or leased by each such Railway or Canal Company respectively, and forming Part
- 30 of its Undertaking; the Names of the several Parishes, Counties, and Burghs through which the Line of such Railway or Canal Company runs, or in which its said Lands or Heritages, or any Part thereof, are situated; the lineal Measurement of its entire Line, and the Portion of such lineal Measurement situated in each such Parish, County, and
- 35 Burgh; the Amount of the Cost as aforesaid of its several Stations, Wharfs, Docks, Depôts, Counting-houses, and Houses and Places of Business in Scotland, (including as aforesaid,) the Proportion of such gross Amount expended in each such Parish, County, and Burgh, and, where any Stations, Wharfs, Docks, Depôts,
- 40 Counting-houses, or other Houses or Places of Business are held or used jointly by any Two or more Railway or Canal Companies, the Proportions in which such Railway and Canal Companies are respectively interested therein, and also the yearly Rent or Value, in Terms of this Act, ascertained as after mentioned, of the
- [142.] B Portion

Portion in each Parish, County, and Burgh in Scotland of the Lands and Heritages belonging to or leased by each Railway and Canal Company, and forming Part of its Undertaking.

CLAUSE D.
Mode in
which the
yearly Rent
or Value of
Railways
and Canals
is to be
ascertained.

XVIII. The yearly Rent or Value, in Terms of this Act, of the Lands and Heritages in any Parish, County, or Burgh belonging to 5 or leased by any Railway or Canal Company, and forming Part of the Undertaking of such Company, shall be ascertained as follows; that is to say, there shall be deducted, in the first place, from the cumulo yearly Rent or Value of the whole Lands and Heritages in Scotland as aforesaid of each such Railway or Canal Company a Sum equal 10 to Three Pounds per Centum of the whole Cost as aforesaid of the Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business in Scotland of and connected with the Undertaking of such Railway or Canal Company (including as aforesaid); and the Proportion of such diminished cumulo Rent or Value corresponding 15 to the lineal Measurement of the Portion of the Line, including Ferries attached thereto, of such Railway or Canal Company, situated in such Parish, County, or Burgh, as compared with the lineal Measurement of the entire Line, including Ferries as aforesaid, of such Railway or Canal Company, with the Addition of a Sum equal to Three Pounds 20 per Centum of the Cost as aforesaid of any Station, Wharf, Dock, Depôt, Counting-house, or other House or Place of Business, within such Parish, County, or Burgh, or of or connected with the Undertaking of such Railway or Canal Company (including as aforesaid), shall be deemed and taken to be the yearly Rent or Value, in Terms of this 25 Act, of the Lands and Heritages in such Parish, County, or Burgh belonging to or leased by such Railway or Canal Company, and forming Part of its Undertaking.

CLAUSE O.
Water, Gas,
and other
Companies
may have
their Lands
and Heri-
tages valued
by the
Assessor of
Railways
and Canals.

XIX. Where any Water Company, or Gas Company, or other Company having any continuous Lands and Heritages liable to be 30 assessed in more than One Parish, County, or Burgh, shall desire to have such Lands and Heritages assessed by the Assessor of Railways and Canals under this Act, it shall be competent to such Water or Gas or other Company to make Intimation in Writing of such Desire, under the Hand of its Manager, Secretary, or other Principal Officer, 35 at any Time before the Fifteenth Day of May in the Year One thousand eight hundred and fifty-five, or before the Fifteenth Day of May in any subsequent Year, to the Sheriff of the County within which such Lands and Heritages, or the Head Office and Place of Business in Scotland of such Water or Gas or other Company are situated; and 40 such Sheriff shall forthwith make such public Advertisement of his having received such Intimation as to him shall seem necessary or proper; and also shall make special Intimation thereof to the Assessor of

of Railways and Canals under this Act; and thereupon such Assessor of Railways and Canals shall be exclusively charged, subject to Appeal as herein provided, with the Valuation of the Lands and Heritages in Scotland of such Water or Gas or other Company in
 5 Terms of this Act; and such Assessor of Railways and Canals shall on or before the Fifteenth Day of August in the Year One thousand eight hundred and fifty-five, and on or before the Fifteenth Day of August in every subsequent Year, inquire into and fix in cumulo the yearly Rent and Value, in Terms of this Act,
 10 of all Lands and Heritages in Scotland belonging to or leased by such Water or Gas or other Company, and forming Part of its Undertaking; and shall also inquire into and fix the just Proportions of such cumulo yearly Rent or Value applicable to each Parish, County, and Burgh in Scotland in which such Water or Gas or other Company is liable
 15 to be assessed as aforesaid; and such Assessor of Railways and Canals shall include in the Valuation Roll to be made up by him under this Act, all the Water Companies, Gas Companies, and other Companies, whose Lands and Heritages shall be valued by him as aforesaid, and shall set forth in such Valuation Roll, in Columns, the yearly Rent or
 20 Value, in Terms of this Act, in cumulo, of the whole Lands and Heritages in Scotland belonging to or leased by each such Water, Gas, and other Company respectively, and forming Part of its Undertaking; the Names of the several Parishes, Counties, and Burghs in which its said Lands and Heritages, or any Part thereof
 25 are situated; and also the yearly Rent or Value, in Terms of this Act, of the Portion in each such Parish, County, and Burgh, separately and respectively, of the Lands and Heritages belonging to or leased by each such Water, Gas, and other Company respectively, and forming Part of its Undertaking.

30 XX. On or before the Fifteenth Day of August in each Year the said Assessor of Railways and Canals under this Act shall transmit or cause to be transmitted to each Railway and Canal and other Company included in his Valuation, either through the Post Office, or by causing the same to be left at the Head or other known Office of Business of each such Company, a Copy of every Entry in his Valuation
 35 Roll wherein such Company shall be set forth, either as Proprietor, Tenant, or Occupier; and if such Company consider themselves aggrieved by such Valuation, they may obtain Redress by satisfying such Assessor of Railways and Canals, on or before the Eighth
 40 Day of September next ensuing, that they have well-founded Ground of Complaint, and obtaining an Alteration by him of his Valuation accordingly, which Alteration he is in such Case authorized to make, or by lodging a Note of Appeal, on or before such last-mentioned Date, to the Lord Ordinary officiating on the Bills in the Court

CLAUSE E.
 Notice of Valuation to be given to Railway and Canal Companies, &c. who may appeal there against to the Senior Lord Ordinary of the Court of Session.

of Session, or where the Lands and Heritages belonging to such Company are all situated within One County, then to the Sheriff of such County; and all Proceedings before such Lord Ordinary or Sheriff, as the Case may be, under this Act, shall be summary, and may be taken either in Court or at Chambers, and shall be conducted in such Way as such Lord Ordinary or Sheriff respectively may prescribe or allow; and any Deliverance which shall be pronounced by such Lord Ordinary or Sheriff, as the Case may be, on such Objections on or before the Thirtieth Day of November next, after such Appeal is entered, and such Objections are made, shall receive Effect, and it shall be the Duty of such Assessor of Railways and Canals to alter his Valuation in conformity therewith; and such Deliverance, and the Valuation of the said Assessor of Railways and Canals, if not appealed against, or if appealed against in so far as not altered by a Deliverance of the Lord Ordinary or Sheriff as aforesaid, shall be final and conclusive, and not subject to review.

CLAUSE F.
Any Parish,
County, or
Burgh in-
terested in
any Railway
or Canal
Valuation
may appeal
against the
same to the
Lord Ordinary.

XXI. The Valuation Roll to be made up by the Assurer of Railways and Canals, while the same is in the Hands of such Assessor, shall be patent to all Persons having Interest therein, and no Fee of any kind shall be charged to any such Person for Liberty to inspect the same; and it shall be competent to any Parish, County, or Burgh, having Interest in any Valuation therein contained, to object to and represent against the same to the Lord Ordinary officiating on the Bills in the Court of Session, or when the Lands and Heritages belonging to any Railway or Canal or other Company included in such Valuation Roll are all situated within One County, then to the Sheriff of such County, and such Lord Ordinary or Sheriff, as the Case may be, shall afford to the Company to which such Objection applies an Opportunity of answering such Objection, and may also, if he think it necessary or proper, afford such Opportunity to the Assessor of Railways and Canals, or to any Person or Persons whom he may consider to be interested in such Objection; and any Deliverance which shall be pronounced by him on such Objections on or before the Thirtieth Day of November next after such Objections are made shall be given effect to, and be final and conclusive.

35

CLAUSE G.
Assessor of
Railways
and Canals
may call for
Books and
Writings, &c.
and if such
are refused,
Right of
Appeal to be
forfeited.

XXII. For the Purpose of making the Valuations of the Lands and Heritages of Railway and Canal and other Companies by the Assessor of Railways and Canals under this Act, it shall be lawful for such Assessor of Railways and Canals to require the Attendance before him of any Persons as Witnesses, and to examine such Witnesses on Oath, and also to call from Time to Time upon any Railway or Canal or other Company to be included in his Valuation, for detailed Statements of the yearly Revenue of its Undertaking, distinguishing the different

different Sources thereof, and the Amount derived from each such Source, and also in the Case of Railways and Canals of the Sums expended on each of its Stations, Depôts, Counting-houses, and other Houses and Places of Business (including the Solum on which
5 such Stations and others are erected), and also of the Parishes, Counties, and Burghs in which such Stations, Depôts, Counting-houses, and other Houses and Places of Business are severally situated, and of the lineal Measurement of the whole, any, each, and every Part of its Line, and to call for Production from Time to Time of any Books,
10 Vouchers, or other Writings in the Possession of any Railway or Canal or other Company relating to or bearing upon any Matters aforesaid, or to or upon the Subject of the Inquiries of such Assessor under this Act; and if any such Company, or its Manager or Secretary, or the Chairman of its Board of Directors, all for the Time being, shall
15 wilfully refuse or delay to furnish any such Statements, or to make any such Production, when required by the Assessor of Railways and Canals as aforesaid, such Company shall not be entitled to appeal against or object to the Valuation of such Assessor of Railways and Canals for the Year in which such Refusal or Delay takes place, any-
20 thing in this Act to the contrary notwithstanding.

XXIII. The Valuation Roll to be made up annually as aforesaid by the Assessor of Railways and Canals under this Act shall, as soon as may be after the Thirtieth Day of November in each Year, be authenticated by the Signature of such Assessor, and such Valuation Roll shall then
25 be in force as the Valuation Roll of Railway and Canal and other Companies for the Year commencing at the Term of Whitsunday immediately preceding and ending at the Term of Whitsunday immediately following; and the Assessor of Railways and Canals under this Act shall, on or before the thereby Thirtieth Day of November in
30 each Year, transmit to the Sheriff Clerk of each County and to the Town Clerk of each Burgh in which any Portion of the Undertaking of any such Company is situated a certified Copy of the Valuation, in Terms of this Act, taken from such Valuation Roll, of the Lands and Heritages within such County or Burgh respectively belonging to
35 or leased by and forming Part of the Undertaking of such Company; and such Valuation relating to such Company shall be engrossed by such Sheriff Clerk or Town Clerk, as the Case may be, in the Valuation Roll of such County or Burgh, and shall be authenticated by the Signature of such Sheriff Clerk or Town Clerk, and shall be thence-
40 forward deemed and taken to be a Part of such Valuation Roll of such County or Burgh.

CLAUSE H.
Valuations of Railways and Canals, &c., when completed, to be authenticated, and communicated to the Clerks of Supply and Town Clerks, and to be in force for a Year.

XXIII. The Valuation Rolls of Railway and Canal and other Companies, to be made up by the Assessor of Railways and Canals in Terms of this Act, shall be periodically transmitted by the Assessor

CLAUSE I.
Valuation Rolls of Railways and

Canals, &c.
to be trans-
mitted
periodically
to the Gene-
ral Register
House, for
Preservation.

of Railways and Canals to the Lord Clerk Register, or his Deputy, for Preservation in the General Register House, in like Manner as the Valuation Rolls of Counties and Burghs are herein-after directed to be periodically transmitted as aforesaid.

CLAUSE K.
Salary of the
Assessor of
Railways
and Canals
to be con-
tributed
rateably by
Railway and
Canal Com-
panies, &c.

XXV. The Amount of the Remuneration or Salary of the As- 5
sessor of Railways and Canals under this Act, and of his Clerks and
other Officers as aforesaid, shall, on or before the Eleventh Day of
November in each Year, be paid by the Railway and Canal and other
Companies having Lands and Heritages included in the Valuation of
Railways and Canals for the Year to which such Remuneration or 10
Salary applies, to the Commissioners of Her Majesty's Treasury, or to
such Person or Persons as they may appoint to receive the same, each
Company paying a Proportion of such Remuneration or Salary cor-
responding to the yearly Rent or Value of its Lands and Heritages,
ascertained in Terms of this Act, as compared with the yearly Rent 15
or Value of the whole Lands and Heritages in Scotland of Railway
and Canal and other Companies included in such Valuation; and in
case of any Difference of Opinion as to the Proportions in which such
Remuneration or Salary should be borne by such Companies respec-
tively, in Terms of this Act, the same shall be determined by the 20
Commissioners of Her Majesty's Treasury, whose Award thereon
shall be final; and on or before the Thirty-first Day of December in
each Year the said Remuneration or Salary received from such Com-
panies as aforesaid shall be paid over by the Commissioners of Her
Majesty's Treasury to the Assessor of Railways and Canals; and the 25
Proportion of such Remuneration or Salary payable by each such
Company, in Terms of this Act, shall be deemed to be a Debt due by
such Company to the Crown, and shall be recoverable in like Manner
as any other Debt due to the Crown is recoverable by Law.

Mistake or
Misnomer
not to affect
Valuation.

XXVI. No Valuation of any Lands or Heritages contained in any 30
Valuation Roll under this Act shall be rendered void or be affected
by reason of any Mistake or Variance in the Names of such Lands or
Heritages, or in the Christian or Surname or Designation of any
Proprietor or Tenant or Occupier thereof; and no Valuation Roll
which shall be made up and authenticated in Terms of this Act, and 35
no Valuation which shall be contained therein, shall be challengeable,
or be capable of being set aside or rendered ineffectual, by reason of
any Informality, or of any Want of Compliance with the Provisions of
this Act, in the Proceedings for making up such Valuation or Valuation
Roll.

CLAUSE Q.
Proprietors
of Subjects
under £4.

XXVII. In all Cases where any Lands or Heritages shall be sepa-
rately let at a Rent not amounting to Four Pounds per Annum, the
Proprietor

Proprietor of such Land and Heritages shall be charged with and have to pay the whole of the Assessments on such Lands and Heritages separately let as aforesaid; but every such Proprietor charged with and paying such Assessments shall have Relief against the Tenants and

- 5 Occupiers of such Lands and Heritages for Reimbursements thereof, if and in so far as such Assessments may by Law be properly chargeable upon such Tenant or Occupiers.

to be chargeable with Assessments

- XXVIII. From and after the Establishment of Valuations of the Lands and Heritages in Scotland under this Act, every Assessment which shall or might lawfully be assessed or levied under an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to improve Prisons and Prison Discipline in Scotland," upon any Lands or Heritages, according to the annual Value of such Lands or Heritages, shall be assessed and levied upon the Basis of the Valuations for the Time being established under this Act; and the said last-recited Act is hereby repealed to the Extent which may be necessary to give Effect to this Enactment, but no further.

Prison Assessment to be upon Valuations established by this Act. 2 & 3 Vict. c. 42.

- XXIX. Where, in any County, Burgh, or Town, any County Municipal, Parochial, or other public Assessment, or any Assessment, Rate or Tax under any Act of Parliament, is authorized to be imposed or made upon or according to the real Rent of Lands and Heritages, the yearly Rent or Value of such Lands and Heritages, as appearing from the Valuation Roll in force for the Time under this Act in such County, Burgh, or Town, shall, from and after the Establishment of such Valuation therein, be always deemed and taken to be the just Amount of such real Rent for the Purposes of such County, Municipal, Parochial, or other Assessment, Rate or Tax, and the same shall be assessed and levied according to such yearly Rent or Value accordingly, any Law or Usage to the contrary notwithstanding; and where in any County, Burgh, or Town, any County, Municipal, Parochial, or other Public Assessment, or any Assessment, Rate or Tax under any Act of Parliament, other than Poor Rates, is or might be assessed upon Means and Substance, such Assessment shall, from and after the Establishment of Valuations under this Act, be assessed and levied upon the yearly Rent or Value, in Terms of this Act, of such Lands and Heritages within such County, Burgh, or Town, One Half upon the Owners and the other Half upon the Tenants and Occupiers of such Lands and Heritages, but subject to the Provisions and Exceptions herein-before made and provided as regards Lands and Heritages separately let at a Rent not amounting to Four Pounds; and all Acts, Laws, and Usages to the contrary are hereby repealed in so far as necessary to give effect to this Enactment, but no further.

Other Public Assessments leviable on real Rent to be levied upon Valuations established by this Act.

Valuation
Roll to be
Evidence in
Registration
and Appeal
Courts.

XXX. In all Questions and Proceedings under any Act of Parliament relating to the Franchise, or to the Representation of the People in Parliament, it shall be sufficient to refer to an Entry in the Valuation Roll in force for the Time, or last in force under this Act in any County or Burgh, and such Entry shall be received and taken in all such Questions and Proceedings as conclusive Proof that the yearly Rent or Value of the Lands or Heritages specified therein is at the Date of such Reference, and has been from the Commencement of the Year to which such Valuation Roll applies, of the Amount therein set forth, and also as sufficient Evidence, until the contrary be proved, that the Persons stated therein to be Proprietors, Tenants, or Occupiers thereof are at the Date of such Reference, and have been from the Commencement of the Year to which such Valuation Roll applies, such Proprietors, Tenants, and Occupiers respectively; and it shall be competent in all Cases, notwithstanding anything in any existing Act of Parliament to the contrary, to refer to such Valuation Roll in such Appeal Court, although such Valuation Roll may not have been produced or referred to in the Registration Court; and it shall be the Duty of every Sheriff Clerk of a County and Town Clerk of a Burgh officiating or who ought to officiate at any Registration Court or Court of Appeal under any such Act of Parliament, to have the Valuation Roll of the County or Burgh, as the Case may be, in force for the Time under this Act, on the Table of such Registration Court or Court of Appeal, as the Case may be, for Reference, as aforesaid.

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CLAUSE L.
Valuation
Rolls to be
made up in
prescribed
Form, and
to be trans-
mitted peri-
odically to
the General
Register
House for
Preservation.

XXXI. The Valuation Rolls to be made up in Terms of this Act shall be, as nearly as may be, in the Forms of the Schedules hereunto annexed, and shall be otherwise in such Form and of such Dimensions as may be prescribed by the Lord Clerk Register of Scotland, or his Deputy; and at the Expiration of Six Years from the Date of the passing of this Act, and at the Expiration of every subsequent Period of Six Years thenceforward, every Sheriff Clerk and Town Clerk or other Person, being Custodier of the Valuation Rolls of any County or Burgh under this Act, shall transmit or cause to be transmitted to the said Lord Clerk Register or his Deputy, in order to Preservation thereof in the General Register House of Scotland, the whole Valuation Rolls of such County or Burgh then completed, and not previously transmitted, other than the Valuation Rolls of such County or Burgh in force for the Time being.

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Boundaries
of Burghs.

XXXII. The Limits and Boundaries of such Burghs as send, or contribute to send, a Member or Members to Parliament shall, for the Purposes of this Act, be taken and held to be according to the Limits and Boundaries prescribed by an Act passed in the Session

Session

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Session of Parliament holden in the Second and Third Years of the
 Reign of His late Majesty King William the Fourth, intituled
 “ An Act to amend the Representation of the People in Scot-
 “ land :” Provided always, that where the Boundaries of any Burgh
 5 are not prescribed by the before-recited Act of the Second and Third
 Years of the Reign of His Majesty King William the Fourth, the
 same shall be determined by the Sheriff of the Sheriffdom in which
 such Burgh is situated, or, if such Burgh be situated partly in one
 County and partly in another, by the Sheriff of that Sheriffdom in
 10 which the greater Part of such Burgh may be situated ; and, as soon
 as may be after the passing of this Act, every Sheriff to whom such
 Power of fixing the Boundaries of any Burgh for the Purposes of this
 Act is hereby committed shall, by Letter, to be addressed by him to the
 Chief or Senior Magistrate or other Administrator on behalf of such
 15 Burgh, require such Magistrate or other Administrator of such Burgh to
 attend him at a Time and Place to be fixed in such Letter, and shall
 at such Time and Place, or at any Time or Place to which the Sheriff
 may adjourn the Inquiry, take such Evidence as may be adduced to
 him, or as he may think necessary, and shall thereupon, by Writing
 20 under his Hand, fix and determine the Boundaries of such Burgh for
 the Purposes of this Act, and shall cause such written Determination
 to be recorded in the Sheriff Court Books of his County, and shall
 furnish an official Extract therefrom to such Magistrate or Adminis-
 trator ; and such Determination shall, when so recorded, fix and
 25 determine the Boundaries of such Burgh for the Purposes of this Act.

XXXIII. Every Penalty imposed by this Act may be recovered by
 summary Proceeding, upon Complaint in Writing made in Name of
 an Assessor under this Act to the Sheriff of the Sheriffdom in which
 the Offence shall have been committed, or to the Sheriff of any Sherif-
 30 dom in which the Offender may be found ; and on such Complaint being
 made such Sheriff shall issue a Warrant or Order requiring the Party
 complained against to appear on a Day and at a Time and Place to
 be named in such Order ; and every such Order shall be served on the
 Party offending either in Person or by leaving with some Inmate at
 35 his usual Place of Abode a Copy of such Order, and of the Complaint
 whereupon the same has proceeded ; and either upon the Appearance
 or upon the Default to appear of the Party offending it shall be lawful
 for the Sheriff to proceed to the Hearing of the Complaint, and upon
 Proof of the Offence, either by the Confession of the Party com-
 40 plained against, or other legal Evidence, and without any written
 Pleadings or Record of Evidence, to convict the Offender, and upon
 such Conviction to decern and adjudge the Offender to pay the
 Penalty incurred, as well as such Expenses as the Sheriff shall think
 fit, and to grant Warrant for imprisoning the Offender until such
 [142.] C Penalty

Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Expenses shall not have been paid, which Period shall in no Case exceed Three Calendar 5 Months.

Application
of Penalties.

XXXIV. The Sheriff by whom any Penalty shall be imposed by virtue of this Act shall award such Penalty to be applied for the Purposes of this Act within the County or Burgh in which the Offence was committed, and shall order the same to be paid over 10 to the Complainer, or to some other Person for that Purpose: Provided always, that no Person shall be liable to the Payment of any Penalty imposed by virtue of this Act unless such Penalty shall have been prosecuted for within Six Calendar Months after the Commission of the Offence for which it has been incurred. 15

CLAUSE N.
Where Assessments are levied under Local Acts on a different Valuation to that established by this Act, Sheriff of the County to fix Per-centage.

XXXV. Where in any Burgh or Parish or County under any Statute any Assessment, Rate, or Tax of a fixed Amount or Percentage has been assessed upon or levied from the Proprietors or Tenants or Occupiers of any Lands and Heritages, but according to a different Valuation from that established by this Act, it shall be lawful 20 for the Sheriff on an Application from any Person or Persons authorized to assess or levy such Assessment, Rate, or Tax, or from any Ratepayer within such County, Burgh, or Parish, to fix and determine, after such Inquiry and Notice as he shall think proper, what Per-centage, according to the Valuation to be made under this 25 Act, corresponds with and will yield as nearly as may be the Sum which the Per-centage specified in such Statute has yielded according to the Valuation hitherto in use to be made up under such Statute, and the Per-centage so fixed by the Sheriff shall thereafter be held to be the Per-centage provided by such Statute. 30

Interpretation
Clause.

XXXVI. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except when the Nature of the Provision or the Context of the Act shall exclude or be repugnant to such Construction; (that is to say,) the Expression "Lands and Heritages" shall extend to 35 and include all Lands, Houses, Teinds, Shootings, and Deer Forests, where such Shootings or Deer Forests are actually let, Fishings, Copse and Underwood from which Revenue is actually derived, Ferries, Piers, Harbours, Quays, Wharfs, Docks, Canals, Railways, Mines, Minerals, Quarries, Coalworks, Water- 40 works, Limeworks, Brickworks, Ironworks, Gasworks, Factories, and all Buildings and Pertinents thereof, and all Machinery fixed or attached

attached to any Lands or Heritages; the Word "Oath" shall include the Affirmation of a Quaker, Separatist, or Moravian; the Word "Proprietor" shall apply to Liferenters as well as Fiars, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wadsetters, or other
5 Persons who shall be in the actual Receipt of the Rents and Profits of Lands and Heritages; the Word "Factor" shall mean a Person acting under a probative Factory and Commission for the Proprietor or Proprietors, including Corporations being Proprietors, for whom he is Factor, and in the bonâ fide actual Manage-
10 ment as such Factor of the Lands and Heritages belonging to such Proprietor; the Word "Burgh" shall apply only to a City, Burgh, or Town, being a Royal Burgh, or which sends or contributes as a Burgh to send a Member to Parliament; the Expression "Magistrates of Burghs" shall include the Lord Provost, or Provost,
15 or Chief Magistrate and Magistrates and Councils of Burghs, and all Persons being Members for the Time of such Magistracy or Council; the Word "Town" shall extend to and include all Burghs, as well Royal and Parliamentary Burghs as Burghs of Barony or Regality, and all other Burghs whatsoever, and generally all Places
20 situate within a County forming an Area of Assessment distinct from such County; the Word "County" shall include "Stewartry," and shall include and apply to a County exclusive of the Burghs situated therein; the Expression "the Assessor" shall mean the Assessor under this Act of the County or Burgh or Portion or District of the County
25 or Burgh for which he is Assessor, as distinguished from the Assessor of Railways and Canals under this Act.

SCHEDULE referred to in the foregoing Act.

VALUATION ROLL FOR COUNTIES.

County of Parish of

No.	Description of Subject.	Proprietor.	Tenant.	Occupier.	Yearly Rent or Value.			
					1854.	1855.	1856.	1857.
1	Farm of ———	A. B. of C.	E. F., residing at ———	G. H., residing at ———	1854.	1855.	1856.	1857.
-	Do.	Do.	Do.	Do.	150 <i>l</i> .	150 <i>l</i> .	150 <i>l</i> .	150 <i>l</i> .
-	Do.	Do.	Do.	Do.	-	-	-	-
-	Do.	Do.	L. M., residing at ———	L. M., residing at ———	-	-	-	-
-	Do.	Do.	Do.	Do.	-	-	-	-
2	House, Garden, and Grounds of ———	O. P., Esq., Mining Engineer.	-	O. P. aforesaid	40 <i>l</i> .	-	-	160 <i>l</i> .
-	Do.	Do.	-	Do.	-	40 <i>l</i> .	-	-
-	Do.	R. S., Merchant in ———	-	Do.	-	-	40 <i>l</i> .	-
-	Do.	Do.	-	R. S., Merchant in ———	-	-	-	35 <i>l</i> .
-	Do.	Do.	-	Do.	-	-	-	-
-	Do.	Do.	-	Do.	-	-	-	-
-	Do.	Do.	-	Do.	-	-	-	-

VALUATION ROLL FOR BURGHES.

Burgh [*or* City] of Year

No.	Description of Subject.	Proprietor.	Tenant.	Occupier.	Yearly Rent or Value.	
					1854.	1855.
1	House, 9, High Street	A. B., residing at ———	C. D., Merchant -	C. D., Merchant -	70 <i>l</i> .	70 <i>l</i> .
2	Shop, 10, Do.	E. F., Architect -	G. H., Draper -	G. H., Draper -	50 <i>l</i> .	50 <i>l</i> .

Valuation of Lands.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT,
AND ON SECOND AND THIRD RE-COMMITMENTS.]

For the Valuation of Lands and Heritages
in Scotland.

(*Prepared and brought in by
The Lord Advocate and Viscount Palmerston.*)

*Ordered, by The House of Commons, to be Printed,
19 June 1854.*

[Bill 142.]

Under 3 oz.

4 July 1854. 17 & 18 VICT.



(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND
ON SECOND, THIRD, AND FOURTH RE-COMMITMENTS]

FOR

The Valuation of Lands and Heritages in Scotland.

[Note.—*The Clauses marked A. to N. and the Schedule were added by the Committee, the Clause marked O. on Re-commitment, the Clauses marked P. and Q. on Second Re-commitment, and the Clauses R. to W. on Fourth Re-commitment.*]

WHEREAS it is expedient that One uniform Valuation be Preamble.
established of Lands and Heritages in Scotland, accord-
ing to which all public Assessments leviable or that may
be levied according to the real Rent of such Lands and Heritages may
5 be assessed and collected, and that Provision be made for such
Valuation being annually revised: Be it therefore enacted by the
Queen's most Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, as follows :—

- 10 I. The Commissioners of Supply of every County and the Commission-
ers of Supply
and Magis-
trates of
Burghs to
make up
Valuation
Roll an-
nually.
Magistrates of every Burgh in Scotland respectively shall annually
cause to be made up a Valuation Roll, showing the yearly Rent or
Value for the Time of the whole Lands and Heritages within such
County or Burgh respectively, and separately within each Parish or
15 Part of a Parish situated within such County or Burgh respectively,
and specifying in each Case the Nature of such Lands and Heritages,
and the Names and Designations of the Proprietors or reputed
Proprietors, and where there are Tenants or Occupiers, of the Tenants
and of the Occupiers thereof respectively; and in making up such
[Bill 176.] A Valuation

Valuation Roll such Commissioners and Magistrates respectively may take the Assistance of the Officer of Inland Revenue charged with the Duty of assessing to the Income Tax in such County or Burgh respectively; and such Commissioners and Magistrates respectively may, from Time to Time, as often as they may deem it necessary, by their Order, in Writing, to be signed by their Clerk, require any Officer of Inland Revenue, charged with the Duty of assessing the Income Tax in such County or Burgh respectively, to appear before them when, and where, and as often as such Commissioners and Magistrates respectively may deem expedient, and to produce all Assessments and other Documents in the Custody or Power of such Officer relating to the Value of, or Assessment on, all or any of the Property within the several Parishes or Places within his District or Division, and to be examined on Oath, and answer such Questions as the said Commissioners and Magistrates respectively may put to him touching the said Assessments or the Value of the Property contained therein: Provided always, that it shall be in the Power of such Commissioners or Magistrates, if they think fit, not to insert in any Valuation Roll under this Act the Names or Designations of the Tenants or Occupiers of any Lands and Heritages separately let for a shorter Period than One Year, or at a Rent not amounting to Four Pounds per Annum.

**Appoint-
ment and
Duties of
Assessors.**

II. In order to the making up of such Valuation, the Commissioners of Supply of each County and the Magistrates of each Burgh respectively shall, as Occasion requires, appoint One or more fit and proper Persons to be Assessors or Assessor for the Purposes of this Act; and it shall be the Duty of such Assessors annually to ascertain and assess the yearly Rent or Value of the several Lands and Heritages within the County or Burgh respectively, other than the Lands and Heritages of Railway and Canal Companies, which are herein-after specially provided for, and to make up such Valuation Roll thereof in the Manner by this Act prescribed; and every such Assessor shall be appointed either for the whole County or Burgh, or for some particular Portion or District thereof to be prescribed by the Commissioners of Supply or Magistrates respectively; and every such Assessor shall, on being appointed by the said Commissioners of Supply or Magistrates respectively, and before entering upon the Duties of his Office, declare that he will faithfully and honestly perform the Duties thereof; and every such Assessor shall be removeable at the Pleasure of the said Commissioners or Magistrates respectively:

**Assessors to
make up
Valuation
Roll by 15th
September
in each Year.**

III. In every County and Burgh the First Valuation Roll to be made up as aforesaid under this Act shall be made up by the Assessors acting under this Act on or before the Fifteenth Day of August

August One thousand eight hundred and fifty-five; and a new Valuation Roll shall be annually made up by the Assessors on or before the Fifteenth Day of August in every subsequent Year.

IV. On or before the Fifteenth Day of August, and not earlier than
 5 the Fifteenth Day of July in each Year, the Assessor shall transmit or cause to be transmitted to each Person included in his Valuation, whether as Proprietor or Tenant or Occupier, a Copy of every Entry in such Valuation Roll wherein such Person shall be set forth either as Proprietor or Tenant or Occupier, along with a Notice to such Person
 10 that if he considers himself aggrieved by such Valuation he may appeal against the same to the Commissioners of Supply of the County or to the Magistrates of the Burgh, as the Case may be, in Terms of this Act, or may obtain Redress without the Necessity of such Appeal, by satisfying the Assessor, on or before the Eighth Day
 15 of September in each Year, that he has well-founded Ground of Complaint; and such Copy and Notice may be served by handing the same to such Person personally, or leaving the same, or sending it through the Post Office, at his Residence or usual Place of Abode; and where the Residence or Place of Abode of such Person is
 20 unknown, it shall be sufficient if Service be made as aforesaid upon his Factor or Agent, or be addressed to him at the Office of the Sheriff Clerk of the County or Town Clerk of the Burgh, as the Case may be: Provided always, that where, in making up his Valuation as aforesaid, the Assessor is merely to repeat an Entry which occurred in
 25 the Valuation of the immediately preceding Year, it shall not be necessary for the Assessor to transmit such Copy and Notice as aforesaid to the Person or Persons specified in such merely repeated Entry.

Notice to be given to Persons whose Property is valued.

V. In estimating the yearly Value of Lands and Heritages under this Act, the same shall be taken to be the Rent at which, one Year
 30 with another, such Lands and Heritages might in their actual State be reasonably expected to let from Year to Year; and where such Lands and Heritages consist of Woods, Copse, or Underwood, the yearly Value of the same shall be taken to be the Rent at which such Lands and Heritages might in their natural State be reasonably
 35 expected to let from Year to Year, as Pasture or Grazing Lands; and where such Lands and Heritages are bonâ fide let for a yearly Rent conditioned as the fair annual Value thereof, without Grassum or Consideration other than the Rent, such Rent shall be deemed and taken to be the yearly Rent or Value of such Lands and Heritages in Terms of
 40 this Act: Provided always, that if such Lands and Heritages be let upon a Lease the stipulated Duration of which is more than Twenty-one Years from the Date of Entry under the same, or in the Case of Minerals more than Thirty-one Years from such Date of Entry, the

Yearly Rent or Value, how to be estimated.

Rent payable under such Lease shall not necessarily be assessed as the yearly Rent or Value of such Lands and Heritages, but such yearly Rent or Value shall be ascertained in Terms of this Act, irrespective of the Amount of Rent payable under such Lease, and the Lessee under such Lease shall be deemed and taken to be also the 5 Proprietor of such Lands and Heritages in the Sense of this Act, but shall be entitled to Relief from the actual Proprietor thereof, and to Deduction from the Rent payable by him to such actual Proprietor, of such Proportion of all Assessments laid on upon the Valuations of such Lands and Heritages made under this Act, and payable by such 10 Lessee as Proprietor in the Sense of this Act, as shall correspond to the Rent payable by such Lessee to such actual Proprietor as compared with the Amount of such Valuation.

Assessor
may call for
written
Statement
of Rent.

VI. It shall be lawful for any Assessor acting under this Act to call upon any Person, being a Proprietor or reputed Proprietor or 15 Tenant or Occupier within the County or Burgh or District for which such Assessor is appointed, for a written Statement of the yearly Rent or Value and of all other Particulars required by this Act of all Lands and Heritages within such County or Burgh or District of which such Person is Proprietor or reputed Proprietor, or Tenant or 20 Occupier, and also of all Rates, Taxes, Charges, and public Burdens payable out of the same; and if any such Person shall, without reasonable Excuse, fail to furnish such written Statement to such Assessor within Fourteen Days after he shall be called upon in Writing so to do, he shall be liable to pay a Penalty not exceeding Twenty 25 Pounds; and if any such Person shall present or cause to be presented to such Assessor any false Statement of such yearly Rent or Value or other Particulars as aforesaid, he knowing the same to be false, he shall be liable to pay a Penalty of Fifty Pounds.

Courts
of Appeal.

VII. The Commissioners of Supply of every County and the 30 Magistrates of every Burgh shall annually on or before the Fifteenth but not earlier than the Tenth Day of September in each Year hold a Court for hearing Appeals against Valuations made by such Assessors as aforesaid under this Act, of which Ten Days Notice shall be given, which Court may be adjourned from Time to 35 Time; and at such Court, and at latest on or before the Thirtieth Day of September in each Year, all such Appeals and Complaints under this Act shall be disposed of; and such Courts or adjourned Courts of Appeal shall be held in such and as many Places within such County and Burgh respectively as such Commissioners and 40 Magistrates respectively shall appoint; and the Deliverances of such Commissioners and Magistrates respectively upon such Appeals and Complaints shall be final and conclusive, and not subject to Review.

VIII. All

VIII. All Persons whose Names shall have been entered by the Assessors in the Valuation Roll of the County or Burgh respectively, whether as Proprietors or Tenants or Occupiers, shall be entitled to appeal to the said Commissioners or Magistrates, as the Case may be, with reference to such Entry: Provided always, that the Appellant shall, Six Days at least before such Appeal is heard, intimate in Writing to the Assessor that he is to maintain such Appeal, and specify the Amount of Valuation which he alleges should be substituted for the Amount stated by the Assessor.

Persons
entitled to
appeal.

- IX. It shall be competent to the Commissioners of Supply and Magistrates of Burghs respectively in the hearing of Appeals under this Act to cite and examine the Parties and their Witnesses on Oath, and to call for all Papers and Documents which they may deem necessary; and every Court of Appeal shall be attended by the Assessors by whom the several Valuations under Appeal were made, and such Assessors shall answer upon Oath all competent Interrogatories which may be put to them with reference to the Matters involved in such Appeals; and it shall not be necessary for the Court of Appeal to keep any formal Record of their Proceedings, except only a Note of the Assessment, Appeal, and Judgment; but they may, if they think proper, cause any Deposition which may be made before them to be taken down in Writing, and signed by the Deponent, and may authenticate it by the Signature of One of their Number as having been made in their Presence; and every such Deposition so taken down, signed, and authenticated shall be deemed and taken to be good Evidence in any Prosecution for Perjury.

Procedure
at Appeal
Courts.

- X. The Valuation Roll, when made up by the Assessor, shall be retained by him until the Eighth Day of September in each Year, when he shall transmit it to the Clerk of Supply of the County or to the Town Clerk of the Burgh, as the Case may be, or, if there be no Town Clerk, to such other Person as the Chief Magistrate of the Burgh, or if there be no such Magistrate the Sheriff of the County, may specially appoint for the Purpose, which he is hereby required in such Case to do, as Occasion requires; and the said Valuation Roll shall thereafter remain in the Office of such Clerk of Supply or Town Clerk, or other Person specially appointed as aforesaid, patent to every Person having Interest therein, either as Proprietor, Tenant, or Occupier.

Valuation
Roll to be
retained by
Assessor till
31st October
yearly, and
thereafter to
be open to
Inspection.

- XI. As soon as all Appeals taken under this Act shall have been disposed of, and the Valuation of the County or Burgh shall have been thereby completed, the said Valuation Roll shall be authenticated in Counties by the Signature of the Sheriff or Convener of the

Valuation
Roll, when
completed, to
be authenti-
cated, and to
be in force
for a Year.

County, or of the Clerk of Supply, or other Person whom the Commissioners of Supply may authorize for that Purpose, and in Burghs by the Signature of the Chief Magistrate, or of the Town Clerk, or other Person whom the Magistrates may authorize for that Purpose, and such Valuation Roll shall then be in force as the Valuation Roll 5 of the County or Burgh, as the Case may be, for the Year commencing at the Term of Whitsunday immediately preceding, and ending at the Term of Whitsunday immediately following; and as soon as such Valuation Roll has been authenticated as aforesaid, the Clerk of Supply or Town Clerk, as the Case may be, shall furnish to the 10 Clerks of the several Parochial Boards within the County or Burgh a Copy of so much thereof as relates to their respective Parishes; and every Parish, Person or Persons, interested in any Valuation Roll under this Act, shall be entitled to inspect and make Copies of the same, or any Part thereof, at their own Expense, at such 15 reasonable Times, and on Payment of such moderate Fee, and subject to such Regulations, as the Commissioners of Supply or Magistrates respectively may fix.

Complaints
with regard
to Assessors
Valuations.

XII. If any Complaint shall be made to the Commissioners of Supply of any County, or to the Magistrates of any Burgh, to the 20 Effect that the yearly Rent or Value of any Lands or Heritages within such County or Burgh respectively has been stated by the Assessor in the Valuation Roll of such County or Burgh at other than the just and true Amount thereof, such Commissioners of Supply and Magistrates respectively may, if they think fit, make Inquiry into 25 such Complaint after giving not less than Six Days Notice to the Proprietor and Occupier of such Lands and Heritages of the Time and Place when such Inquiry will be gone into, and may thereupon alter the Amount of the yearly Rent or Value of such Lands and Heritages in the Valuation Roll of such County or Burgh to such 30 Extent as, after such Inquiry, may appear to them to be just; and the Commissioners of Supply and Magistrates respectively, in the Conduct of such Inquiries as aforesaid, shall have all the same Powers and Authorities as are by this Act conferred upon them with reference to Appeals; and it shall be lawful for the Sheriff to award Expenses 35 against the Complainer, where it shall appear to him that such Complaint has been made without any reasonable or probable Cause.

CLAUSE R.
Three Com-
missioners of
Supply or
Two Magis-
trates, &c. to
be a Quorum.

XIII. In all Proceedings under this Act, any Three Commissioners of Supply, and Two Magistrates of a Burgh, shall be deemed to be a Quorum of such Commissioners and Magistrates respectively, and 40 shall be entitled to exercise all the Powers conferred upon the general Body of Commissioners and Magistrates respectively under this Act, and the Majority present, and voting, shall rule the Decision; and where

where the Votes of those present shall be equal, the Preses of the Meeting shall have a Casting Vote.

- XIV. In all Meetings of Commissioners of Supply under this Act, the Convener of the County, or, in the Absence of the Convener, the Person who may be elected by such Meeting to act as its Preses, shall be Preses of such Meeting; and in all Meetings of Magistrates of Burghs under this Act, the Lord Provost, or Provost, or Chief Magistrate of the Burgh, when he is present thereat, shall be Preses of such Meeting; and, failing him, the Person who may be elected by such Meeting to act as its Preses shall be Preses of such Meeting.

CLAUSE S.
Preses at Meetings of Commissioners of Supply, and Magistrates of Burghs, under this Act.

- XV. For the Purposes of this Act, the Signature of the Convener of the County, or of the Preses of a Meeting of Commissioners of Supply, adhibited to any Paper or Document, shall be equivalent to the Signatures of the whole Commissioners of Supply present at a Meeting thereof; and the Signature of the Lord Provost, or Provost, or Chief Magistrate of the Burgh, or of the Preses of a Meeting of the Magistrates of the Burgh, adhibited to any Paper or Document, shall be equivalent to the Signatures of the whole Magistrates present at such Meeting; and the Addition to such Signatures respectively of the Words "Convener," "Lord Provost," "Provost," "Chief Magistrate," or "Preses," shall be good *prima facie* Evidence that such Signature is the Signature of such "Convener," "Lord Provost," "Provost," "Chief Magistrate," or "Preses," as the Case may be, and that such Paper or Document is genuine and authentic.

CLAUSE T.
Papers and Documents emanating from Commissioners of Supply, &c., how to be authenticated.

- XVI. Where, by any Act of Parliament, Power is given to make a Supplementary Assessment for any Portion of the Year from Whitsunday to Whitsunday, such Power shall not be affected by this Act; and the Assessors under this Act are hereby respectively authorized and required to make up such Supplementary Valuation Roll as may be necessary in order to such Supplementary Assessment: Provided always, that such Supplementary Assessment shall be made upon the Proprietors, Tenants, or Occupiers liable thereto, according to the Valuations established by this Act of the respective Lands and Heritages of which they are such Proprietors, Tenants, and Occupiers respectively for the Year, to a Portion of which such Supplementary Assessment applies: Provided also, that every Assessor making up such Supplementary Valuation Roll shall transmit or cause to be transmitted to each Person included therein, whether as Proprietor, Tenant, or Occupier, a Copy of every Entry in such Supplementary Valuation Roll wherein such Person shall be set forth either as Proprietor, Tenant, or Occupier, along with a Notice to such Person that if he considers himself aggrieved by such Supplementary Valuation he may appeal against the same as after mentioned, and it shall be

CLAUSE P.
Powers of Supplementary Assessment granted by existing Acts of Parliament not to be affected.

lawful for every such Person to appeal within Fourteen Days thereafter to the Court of Appeal established by this Act; and such Court shall have the Power of granting Relief against such Supplementary Valuation so appealed against, to such Extent and in such Way and Manner as to such Court may seem just.

5

Expenses of
Valuations,
how to be
defrayed.

XVII. After the Completion of each annual Valuation as aforesaid under this Act, the Commissioners of Supply of each County and the Magistrates of each Burgh shall cause an Account to be made up of the Costs and Expenses attending the same, and shall ascertain and fix the just Amount thereof, and shall cause such Amount to be 10 apportioned upon the Parishes within such County and Burgh respectively, according to the yearly Rent or Value thereof as fixed by such Valuation, and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause such Amount along 15 with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed upon the Lands and Heritages within their County or Burgh respectively, included in such Valuation, by a rateable Assessment upon such Lands and Heritages according to the yearly Rent or Value thereof as fixed by such Valuation, the 20 Proprietors and Occupiers of such Lands and Heritages being liable to pay such Assessment equally between them, or, in the Option of such Commissioners of Supply or Magistrates respectively, shall cause such Amount to be assessed along with and as Part of and by way of Addition to any other Assessment which may be leviable according 25 to the Valuation established by this Act within such County or Burgh; and any Balance of Funds remaining on hand from Time to Time in any County or Burgh, arising from such Assessment under this Act in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be 30 retained and applied by the Commissioners of Supply of each County and the Magistrates of each Burgh respectively, in such Manner as they may deem fit, for defraying the Expenses of making up Valuation Rolls under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that where in any County or 35 Burgh there are or shall be Funds available for the Purpose, it shall be lawful for the Commissioners of Supply of such County or Magistrates of such Burgh, as the Case may be, to defray such Costs and Expenses as aforesaid out of such available Funds, in place of resorting to Assessment under the Provisions of this Act. 40

CLAUSE A.
New Qualifi-
cation for
Commis-
sioners of
Supply.

XVIII. From and after the passing of this Act, no Person, other than a Person duly qualified as after mentioned, shall be qualified to act as Commissioner of Supply in any County; and any Person not duly qualified as aforesaid acting as such Commissioner shall be subject

subject and liable to the Penalties presently attached by Law to the acting as a Commissioner of Supply without Qualification; and from and after the passing of this Act the Qualification requisite for a Commissioner of Supply in any County shall be the being named as
 5 an ex-officio Commissioner of Supply in any Act of Supply, or the being Proprietor or the Husband of any Proprietrix infest in Liferent, or in Fee not burdened with a Liferent, in Lands and Heritages within such County, of the yearly Rent or Value, in Terms of this Act, of at least One hundred Pounds,
 10 or the being eldest Son and Heir Apparent of a Proprietor infest in Fee not burdened with a Liferent in Lands and Heritages within such County of the yearly Rent or Value, in Terms of this Act, of Four hundred Pounds; and the Factor of any Proprietor or Proprietors infest, either in Liferent or in Fee unburdened as aforesaid, in
 15 Lands and Heritages within such County of the yearly Rent or Value, in Terms of this Act, of Eight hundred Pounds, shall be qualified to act as a Commissioner of Supply in the Absence of such Proprietor or Proprietors: Provided always, that, with reference only to the Qualification of Commissioners of Supply under this Act, the yearly Rent
 20 or Value of Houses and other Buildings, not being Farmhouses or Offices or other agricultural Buildings, shall be estimated at only One Half of their actual yearly Rent or Value, in Terms of this Act: Provided also, that all Persons who shall, on the First Day of May One thousand eight hundred and fifty-four, have been in actual
 25 Possession of the Qualification then required by Law for a Commissioner of Supply, and entitled to act as such Commissioner, shall, so long as he shall continue to possess such last-mentioned Qualification, be deemed to be in possession of the Qualification requisite for a Commissioner of Supply in Terms of this Act.

30 XIX. In order to the making up of Valuations and Valuation Rolls of Lands and Heritages in Scotland belonging to or leased by Railway or Canal Companies, and forming Part of the Undertakings of such Companies, it shall be lawful for Her Majesty to appoint, as Occasion requires, a fit and proper Person to be Assessor of Railways and
 35 Canals for the Purposes of this Act; and the Remuneration or Salary to be paid to such Assessor of Railways and Canals in respect of his own Time and Trouble, and in respect of any Clerks or other Officers whom he may be allowed by the Commissioners of Her Majesty's Treasury to employ in the Execution of his Duties under this Act,
 40 shall be fixed from Time to Time by the said Commissioners of Her Majesty's Treasury; and such Assessor of Railways and Canals shall, before entering on the Duties of his Office, declare that he will faithfully and honestly perform the Duties thereof, and shall be removeable by Her Majesty at Pleasure.

[176.]

B

XX. The

CLAUSE B.
 Assessor of
 Railways
 and Canals
 to be ap-
 pointed.

CLAUSE C.
Such As-
sessor to
make up
annually a
Valuation
Roll of Rail-
ways and
Canals.

XX. The Assessor of Railways and Canals under this Act shall, on or before the Fifteenth Day of August One thousand eight hundred and fifty-five, and on or before the Fifteenth Day of August in every subsequent Year, inquire into and fix in cumulo the yearly Rent or Value, in Terms of this Act, of all Lands and Heritages in Scotland belonging to or leased by each Railway and Canal Company, and forming Part of its Undertaking; and shall also inquire into and fix the Amount which One Year with another would be required in order to the Acquisition, Formation, and Erection of the several Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business respectively, in Scotland, of or connected with each such Undertaking (including the Solum on which such Stations and others are erected), and shall also inquire into and fix all other Matters necessary to enable him to make up a Valuation Roll of Railways and Canals as after mentioned; and such Assessor of Railways and Canals shall make up a Valuation Roll, applicable to all Railway and Canal Companies having Lands and Heritages as aforesaid, in which Valuation Roll shall be set forth, in Columns, the yearly Rent and Value, in Terms of this Act, of the whole Lands and Heritages, in Scotland, belonging to or leased by each such Railway or Canal Company respectively, and forming Part of its Undertaking; the Names of the several Parishes, Counties, and Burghs through which the Line of such Railway or Canal Company runs, or in which its said Lands or Heritages, or any Part thereof, are situated; the lineal Measurement of its entire Line, and the Portion of such lineal Measurement situated in each such Parish, County, and Burgh; the Amount of the Cost, as aforesaid of its several Stations, Wharfs, Docks, Depôts, Counting-houses, and Houses and Places of Business in Scotland, (including as aforesaid,) the Proportion of such gross Amount expended in each such Parish, County, and Burgh, and, where any Stations, Wharfs, Docks, Depôts, Counting-houses, or other Houses or Places of Business are held or used jointly by any Two or more Railway or Canal Companies, the Proportions in which such Railway and Canal Companies are respectively interested therein, and also the yearly Rent or Value, in Terms of this Act, ascertained as after mentioned, of the Portion in each Parish, County, and Burgh in Scotland of the Lands and Heritages belonging to or leased by each Railway and Canal Company, and forming Part of its Undertaking.

CLAUSE D.
Mode in
which the
yearly Rent
or Value of
Railways
and Canals

XXI. The yearly Rent or Value, in Terms of this Act, of the Lands and Heritages in any Parish, County, or Burgh belonging to or leased by any Railway or Canal Company, and forming Part of the Undertaking of such Company, shall be ascertained as follows; that is to say, there shall be deducted, in the first place, from the cumulo yearly

yearly Rent or Value of the whole Lands and Heritages in Scotland as aforesaid of each such Railway or Canal Company a Sum equal to Three Pounds per Centum of the whole Cost as aforesaid of the Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business in Scotland of and connected with the Undertaking of such Railway or Canal Company (including as aforesaid); and the Proportion of such diminished cumulo Rent or Value corresponding to the lineal Measurement of the Portion of the Line, including Ferries attached thereto, of such Railway or Canal Company, situated in such Parish, County, or Burgh, as compared with the lineal Measurement of the entire Line, including Ferries as aforesaid, of such Railway or Canal Company, with the Addition of a Sum equal to Three Pounds per Centum of the Cost as aforesaid of any Station, Wharf, Dock, Depôt, Counting-house, or other House or Place of Business, within such Parish, County, or Burgh, or of or connected with the Undertaking of such Railway or Canal Company (including as aforesaid), shall be deemed and taken to be the yearly Rent or Value, in Terms of this Act, of the Lands and Heritages in such Parish, County, or Burgh belonging to or leased by such Railway or Canal Company, and forming Part of its Undertaking.

XXII. Where any Water Company, or Gas Company, or other Company having any continuous Lands and Heritages liable to be assessed in more than One Parish, County, or Burgh, shall desire to have such Lands and Heritages assessed by the Assessor of Railways and Canals under this Act, it shall be competent to such Water or Gas or other Company to make Intimation in Writing of such Desire, under the Hand of its Manager, Secretary, or other Principal Officer, at any Time before the Fifteenth Day of May in the Year One thousand eight hundred and fifty-five, or before the Fifteenth Day of May in any subsequent Year, to the Sheriff of the County within which such Lands and Heritages, or the Head Office and Place of Business in Scotland of such Water or Gas or other Company are situated; and such Sheriff shall forthwith make such public Advertisement of his having received such Intimation as to him shall seem necessary or proper; and also shall make special Intimation thereof to the Assessor of Railways and Canals under this Act; and thereupon such Assessor of Railways and Canals shall be exclusively charged, subject to Appeal as herein provided, with the Valuation of the Lands and Heritages in Scotland of such Water or Gas or other Company in Terms of this Act; and such Assessor of Railways and Canals shall on or before the Fifteenth Day of August in the Year One thousand eight hundred and fifty-five, and on or before the Fifteenth Day of August in every subsequent Year, inquire into and fix in cumulo the yearly Rent and Value, in Terms of this Act,

is to be
ascertained.

CLAUSE O.
Water, Gas,
and other
Companies
may have
their Lands
and Heri-
tages valued
by the
Assessor of
Railways
and Canals.

of all Lands and Heritages in Scotland belonging to or leased by such Water or Gas or other Company, and forming Part of its Undertaking; and shall also inquire into and fix the just Proportions of such cumulo yearly Rent or Value applicable to each Parish, County, and Burgh in Scotland in which such Water or Gas or other Company is liable 5 to be assessed as aforesaid; and such Assessor of Railways and Canals shall include in the Valuation Roll to be made up by him under this Act, all the Water Companies, Gas Companies, and other Companies, whose Lands and Heritages shall be valued by him as aforesaid, and shall set forth in such Valuation Roll, in Columns, the yearly Rent or 10 Value, in Terms of this Act, in cumulo, of the whole Lands and Heritages in Scotland belonging to or leased by each such Water, Gas, and other Company respectively, and forming Part of its Undertaking; the Names of the several Parishes, Counties, and Burghs in which its said Lands and Heritages, or any Part thereof 15 are situated; and also the yearly Rent or Value, in Terms of this Act, of the Portion in each such Parish, County, and Burgh, separately and respectively, of the Lands and Heritages belonging to or leased by each such Water, Gas, and other Company respectively, and forming Part of its Undertaking. 20

CLAUSE E.
Notice of
Valuation to
be given to
Railway and
Canal Com-
panies, &c.
who may ap-
peal there
against to the
Senior Lord
Ordinary of
the Court of
Session.

XXIII. On or before the Fifteenth Day of August in each Year the said Assessor of Railways and Canals under this Act shall transmit or cause to be transmitted to each Railway and Canal and other Com- 25 pany included in his Valuation, either through the Post Office, or by causing the same to be left at the Head or other known Office of Busi- ness of each such Company, a Copy of every Entry in his Valuation Roll wherein such Company shall be set forth, either as Proprietor, 30 Tenant, or Occupier; and if such Company consider themselves aggrieved by such Valuation, they may obtain Redress by satisfying such Assessor of Railways and Canals, on or before the Eighth 35 Day of September next ensuing, that they have well-founded Ground of Complaint, and obtaining an Alteration by him of his Valuation accordingly, which Alteration he is in such Case authorized to make, or by lodging a Note of Appeal, on or before such last-mentioned 40 Date, to the Lord Ordinary officiating on the Bills in the Court of Session, or where the Lands and Heritages belonging to such Com- pany are all situated within One County, then to the Sheriff of such County; and all Proceedings before such Lord Ordinary or Sheriff, as the Case may be, under this Act, shall be summary, and may be taken either in Court or at Chambers, and shall be conducted in such Way 45 as such Lord Ordinary or Sheriff respectively may prescribe or allow; and any Deliverance which shall be pronounced by such Lord Ordinary or Sheriff, as the Case may be, on such Objections on or before the Thirtieth Day of November next, after such Appeal is entered, and such

such Objections are made, shall receive Effect, and it shall be the Duty of such Assessor of Railways and Canals to alter his Valuation in conformity therewith; and such Deliverance, and the Valuation of the said Assessor of Railways and Canals, if not appealed against, or if appealed
5 against in so far as not altered by a Deliverance of the Lord Ordinary or Sheriff as aforesaid, shall be final and conclusive, and not subject to review.

XXIV. The Valuation Roll to be made up by the Assessor of Railways and Canals, while the same is in the Hands of such Assessor, shall
10 be patent to all Persons having Interest therein, and no Fee of any kind shall be charged to any such Person for Liberty to inspect the same; and it shall be competent to any Parish, County, or Burgh, having Interest in any Valuation therein contained, to object to and represent against the same to the Lord Ordinary officiating on the Bills in
15 the Court of Session, or when the Lands and Heritages belonging to any Railway or Canal or other Company included in such Valuation Roll are all situated within One County, then to the Sheriff of such County, and such Lord Ordinary or Sheriff, as the Case may be, shall afford to the Company to which such Objection applies an Oppor-
20 tunity of answering such Objection, and may also, if he think it necessary or proper, afford such Opportunity to the Assessor of Railways and Canals, or to any Person or Persons whom he may consider to be interested in such Objection; and any Deliverance which shall be pronounced by him on such Objections on or before the Thirtieth
25 Day of November next after such Objections are made shall be given effect to, and be final and conclusive.

CLAUSE F.
Any Parish, County, or Burgh interested in any Railway or Canal Valuation may appeal against the same to the Lord Ordinary.

XXV. For the Purpose of making the Valuations of the Lands and Heritages of Railway and Canal and other Companies by the Assessor of Railways and Canals under this Act, it shall be lawful for such
30 Assessor of Railways and Canals to require the Attendance before him of any Persons as Witnesses, and to examine such Witnesses on Oath, and also to call from Time to Time upon any Railway or Canal or other Company to be included in his Valuation, for detailed Statements of the yearly Revenue of its Undertaking, distinguishing the
35 different Sources thereof, and the Amount derived from each such Source, and also in the Case of Railways and Canals of the Cost as aforesaid of each of its Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business (including the Solum on which such Stations and others are erected), and also of the
40 Parishes, Counties, and Burghs in which such Stations, Wharfs, Docks, Depôts, Counting-houses, and other Houses and Places of Business are severally situated, and of the lineal Measurement of the whole, any, each, and every Part of its Line, and to call for Production from

CLAUSE G.
Assessor of Railways and Canals may call for Books and Writings, &c. and if such are refused, Right of Appeal to be forfeited.

Time to Time of any Books, Vouchers, or other Writings in the Possession of any Railway or Canal or other Company relating to or bearing upon any Matters aforesaid, or to or upon the Subject of the Inquiries of such Assessor under this Act; and if any such Company, or its Manager or Secretary, or the Chairman of its Board of Directors, all for 5 the Time being, shall wilfully refuse or delay to furnish any such Statements, or to make any such Production, when required by the Assessor of Railways and Canals as aforesaid, such Company shall not be entitled to appeal against or object to the Valuation of such Assessor of Railways and Canals for the Year in which such Refusal or Delay 10 takes place, any thing in this Act to the contrary notwithstanding.

CLAUSE H.
Valuations of
Railways and
Canals, &c.,
when com-
pleted, to be
authenti-
cated, and
communi-
cated to the
Clerks of
Supply and
Town
Clerks, and
to be in
force for a
Year.

XXVI. The Valuation Roll to be made up annually as aforesaid by the Assessor of Railways and Canals under this Act shall, as soon as may be after the Thirtieth Day of November in each Year, be authenticated by the Signature of such Assessor, and such Valuation Roll shall then 15 be in force as the Valuation Roll of Railway and Canal and other Companies for the Year commencing at the Term of Whitsunday immediately preceding and ending at the Term of Whitsunday immediately following; and the Assessor of Railways and Canals under this Act shall, on or before the thereby Thirtieth Day of November in 20 each Year, transmit to the Clerk of Supply of each County and to the Town Clerk of each Burgh in which any Portion of the Undertaking of any such Company is situated a certified Copy of the Valuation, in Terms of this Act, taken from such Valuation Roll, of the Lands and Heritages within such County or Burgh respectively belonging to 25 or leased by and forming Part of the Undertaking of such Company; and such Valuation relating to such Company shall be engrossed by such Clerk of Supply or Town Clerk, as the Case may be, in the Valuation Roll of such County or Burgh, and shall be authenticated by the Signature of such Clerk of Supply or Town Clerk, and shall be thence- 30 forward deemed and taken to be a Part of such Valuation Roll of such County or Burgh.

CLAUSE I.
Valuation
Rolls of
Railways and
Canals, &c.
to be trans-
mitted
periodically
to the Gene-
ral Register
House, for
Preservation.

XXVII. The Valuation Rolls of Railway and Canal and other Companies, to be made up by the Assessor of Railways and Canals in Terms of this Act, shall be periodically transmitted by the Assessor 35 of Railways and Canals to the Lord Clerk Register, or his Deputy, for Preservation in the General Register House, in like Manner as the Valuation Rolls of Counties and Burghs are herein-after directed to be periodically transmitted as aforesaid.

CLAUSE K.
Salary of the
Assessor of
Railways

XXVIII. The Amount of the Remuneration or Salary of the As- 40 sessor of Railways and Canals under this Act, and of his Clerks and other Officers as aforesaid, shall, on or before the Eleventh Day of November

November in each Year, be paid by the Railway and Canal and other Companies having Lands and Heritages included in the Valuation of Railways and Canals for the Year to which such Remuneration or Salary applies, to the Commissioners of Her Majesty's Treasury, or to
 5 such Person or Persons as they may appoint to receive the same, each Company paying a Proportion of such Remuneration or Salary corresponding to the yearly Rent or Value of its Lands and Heritages, ascertained in Terms of this Act, as compared with the yearly Rent or Value of the whole Lands and Heritages in Scotland of Railway
 10 and Canal and other Companies included in such Valuation; and in case of any Difference of Opinion as to the Proportions in which such Remuneration or Salary should be borne by such Companies respectively, in Terms of this Act, the same shall be determined by the Commissioners of Her Majesty's Treasury, whose Award thereon
 15 shall be final; and on or before the Thirty-first Day of December in each Year the said Remuneration or Salary received from such Companies as aforesaid shall be paid over by the Commissioners of Her Majesty's Treasury to the Assessor of Railways and Canals; and the Proportion of such Remuneration or Salary payable by each such
 20 Company, in Terms of this Act, shall be deemed to be a Debt due by such Company to the Crown, and shall be recoverable in like Manner as any other Debt due to the Crown is recoverable by Law.

and Canals to be contributed rateably by Railway and Canal Companies, &c.

XXIX. No Valuation of any Lands or Heritages contained in any Valuation Roll under this Act shall be rendered void or be affected
 25 by reason of any Mistake or Variance in the Names of such Lands or Heritages, or in the Christian or Surname or Designation of any Proprietor or Tenant or Occupier thereof; and no Valuation Roll which shall be made up and authenticated in Terms of this Act, and no Valuation which shall be contained therein, shall be challengeable,
 30 or be capable of being set aside or rendered ineffectual, by reason of any Informality, or of any Want of Compliance with the Provisions of this Act, in the Proceedings for making up such Valuation or Valuation Roll.

Mistake or Misnomer not to affect Valuation.

XXX. In all Cases where any Lands or Heritages shall be separately let at a Rent not amounting to Four Pounds per Annum, and the Names of the Occupiers thereof shall not have been inserted in the Valuation Roll, the Proprietor of such Land and Heritages shall be charged with and have to pay the whole of the Assessments on such Lands and Heritages separately let as aforesaid; but every such
 35 Proprietor charged with and paying such Assessments shall have Relief against the Tenants and Occupiers of such Lands and Heritages for Reimbursements thereof, if and in so far as such Assessments may by Law be properly chargeable upon such Tenant or Occupiers.

CLAUSE Q. Proprietors of Subjects under 4l. to be chargeable with Assessments.

Prison Assessment to be upon Valuations established by this Act.
2 & 3 Vict.
c. 42.

XXXI. From and after the Establishment of Valuations of the Lands and Heritages in Scotland under this Act, every Assessment which shall or might lawfully be assessed or levied under an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to improve Prisons 5
"and Prison Discipline in Scotland," upon any Lands or Heritages, according to the annual Value of such Lands or Heritages, shall be assessed and levied upon the Basis of the Valuations for the Time being established under this Act; and the said last-recited Act is hereby repealed to the Extent which may be necessary to give Effect 10
to this Enactment, but no further.

Other Public Assessments leviable on real Rent to be levied upon Valuations established by this Act.

XXXII. Where, in any County, Burgh, or Town, any County Municipal, Parochial, or other public Assessment, or any Assessment, Rate or Tax under any Act of Parliament, is authorized to be imposed or made upon or according to the real Rent of Lands and 15
Heritages, the yearly Rent or Value of such Lands and Heritages, as appearing from the Valuation Roll in force for the Time under this Act in such County, Burgh, or Town, shall, from and after the Establishment of such Valuation therein, be always deemed and taken to be the just Amount of real Rent for the Purposes of such County, 20
Municipal, Parochial, or other Assessment, Rate or Tax, and the same shall be assessed and levied according to such yearly Rent or Value accordingly any Law or Usage to the contrary notwithstanding: Provided always, that when the Area of any Parish Church heretofore erected has been allocated among the Heritors, according to their 25
respective valued Rents as appearing upon the present Valuation Rolls, all Assessments for the Repair thereof shall be imposed according to such valued Rent; and where in any County, Burgh, or Town, any County, Municipal, Parochial, or other Public Assessment, or any Assessment, Rate or Tax under any Act of Parliament, other than Poor Rates, is 30
or might be assessed upon Means and Substance, such Assessment shall, from and after the Establishment of Valuations under this Act, be assessed and levied upon the yearly Rent or Value, in Terms of this Act, of such Lands and Heritages within such County, Burgh, or Town, One Half upon the Owners and the other Half upon the 35
Tenants and Occupiers of such Lands and Heritages, but subject to the Provisions and Exceptions herein-before made and provided as regards Lands and Heritages separately let at a Rent not amounting to Four Pounds; and all Acts, Laws, and Usages to the contrary are hereby repealed in so far as necessary to give effect to this 40
Enactment, but no further.

Valuation Roll to be Evidence in

XXXIII. In all Questions and Proceedings under any Act of Parliament relating to the Franchise, or to the Representation of the People in

Registration
and Appeal
Courts.

in Parliament, it shall be sufficient to refer to an Entry in the Valuation Roll in force for the Time, or last in force under this Act in any County or Burgh, and such Entry shall be received and taken in all such Questions and Proceedings as conclusive Proof that the yearly

5 Rent or Value of the Lands or Heritages specified therein is at the Date of such Reference, and has been from the Commencement of the Year to which such Valuation Roll applies, of the Amount therein set forth, and also as sufficient Evidence, until the contrary be proved, that the Persons stated therein to be Proprietors, Tenants, or Occupiers

10 thereof are at the Date of such Reference, and have been from the Commencement of the Year to which such Valuation Roll applies, such Proprietors, Tenants, and Occupiers respectively; but provided always, that nothing herein contained shall entitle any Person claiming the Franchise as a Proprietor to be enrolled, if his Claim be objected

15 to, and he fail to produce a good and sufficient Title in the Registration Court after due Citation; and it shall be competent in all Cases, notwithstanding anything in any existing Act of Parliament to the contrary, to refer to such Valuation Roll in such Appeal Court, although such Valuation Roll may not have been produced or referred

20 to in the Registration Court; and it shall be the Duty of every Sheriff Clerk of a County and Town Clerk of a Burgh officiating or who ought to officiate at any Registration Court or Court of Appeal under any such Act of Parliament, to have the Valuation Roll of the County or Burgh, as the Case may be, in force for

25 the Time under this Act, on the Table of such Registration Court or Court of Appeal, as the Case may be, for Reference, as aforesaid; and as soon as each annual Valuation Roll of a County, or of a Burgh not being a Burgh sending or contributing to send a Member to Parliament, shall have been completed under this Act, and when the same

30 shall be required for the Purposes of any Registration or Appeal Court, the Clerk of Supply having the Custody of such Valuation Roll shall, when called upon to do so, transmit the same to the Sheriff Clerk of the County, by whom it shall be retained, patent to all Parties having Interest therein, until the Business of the Registration and Appeal

35 Courts of the Year shall be concluded, when it shall be forthwith returned by such Sheriff Clerk to such Clerk of Supply.

XXXIV. The Valuation Rolls to be made up in Terms of this Act shall be, as nearly as may be, in the Forms of the Schedules hereunto annexed, and shall be otherwise in such Form and of such Dimensions

40 as may be prescribed by the Lord Clerk Register of Scotland, or his Deputy; and at the Expiration of Six Years from the Date of the passing of this Act, and at the Expiration of every subsequent Period of Six Years thenceforward, every Sheriff Clerk and Town Clerk or other Person, being Custodier of the Valuation Rolls of any County

CLAUSE L.
Valuation
Rolls to be
made up in
prescribed
Form, and
to be trans-
mitted peri-
odically to
the General
Register
House for
Preservation.

or Burgh under this Act, shall transmit or cause to be transmitted to the said Lord Clerk Register or his Deputy, in order to Preservation thereof in the General Register House of Scotland, the whole Valuation Rolls of such County or Burgh then completed, and not previously transmitted, other than the Valuation Rolls of such County or Burgh in force for the Time being. 5

**Boundaries
of Burghs.**

XXXV. The Limits and Boundaries of such Burghs as send, or contribute to send, a Member or Members to Parliament shall, for the Purposes of this Act, be taken and held to be according to the Limits and Boundaries prescribed by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Representation of the People in Scotland:" Provided always, that where more than One Burgh contributes to send a Member or Members to Parliament, each such Burgh shall notwithstanding be held to be distinct and separate Burghs for the Purposes of this Act; and the Magistrates of each Burgh respectively shall have and exercise all the Powers herein conferred on Magistrates of Burghs: Provided also, that where the Boundaries of any Burgh are not prescribed by the before-recited Act of the Second and Third Years of the Reign of His Majesty King William the Fourth, the same shall be determined by the Sheriff of the Sheriffdom in which such Burgh is situated, or, if such Burgh be situated partly in one County and partly in another, by the Sheriff of that Sheriffdom in which the greater Part of such Burgh may be situated; and, as soon as may be after the passing of this Act, every Sheriff to whom such Power of fixing the Boundaries of any Burgh for the Purposes of this Act is hereby committed shall, by Letter, to be addressed by him to the Chief or Senior Magistrate or other Administrator on behalf of such Burgh, require such Magistrate or other Administrator of such Burgh to attend him at a Time and Place to be fixed in such Letter, and shall likewise intimate the same to the Convenor or Convenors of the County or Counties in which such Burgh is situated, and shall at such Time and Place, or at any Time or Place to which the Sheriff may adjourn the Inquiry, take such Evidence as may be adduced to him, or as he may think necessary, and shall thereupon, by Writing under his Hand, fix and determine the Boundaries of such Burgh for the Purposes of this Act, and shall cause such written Determination to be recorded in the Sheriff Court Books of his County, and shall furnish an official Extract therefrom to such Magistrate or Administrator, and to the Clerk or Clerks of Supply of the County or Counties within which such Burgh is situated; and such Determination shall, when so recorded, fix and determine the Boundaries of such Burgh for the Purposes of this Act. 10 15 20 25 30 35 40

XXXVI. Every

XXXVI. Every Penalty imposed by this Act may be recovered by summary Proceeding, upon Complaint in Writing made in Name of an Assessor under this Act to the Sheriff of the Sheriffdom in which the Offence shall have been committed, or to the Sheriff of any Sheriffdom in which the Offender may be found; and on such Complaint being made such Sheriff shall issue a Warrant or Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereupon the same has proceeded; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff to proceed to the Hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty incurred, as well as such Expenses as the Sheriff shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Expenses shall not have been paid, which Period shall in no Case exceed Three Calendar Months.

Recovery of Penalties.

XXXVII. The Sheriff by whom any Penalty shall be imposed by virtue of this Act shall award such Penalty to be applied for the Purposes of this Act within the County or Burgh in which the Offence was committed, and shall order the same to be paid over to the Complainer, or to some other Person for that Purpose: Provided always, that no Person shall be liable to the Payment of any Penalty imposed by virtue of this Act unless such Penalty shall have been prosecuted for within Six Calendar Months after the Commission of the Offence for which it has been incurred.

Application of Penalties.

XXXVIII. Where in any Burgh or Parish or County under any Statute any Assessment, Rate, or Tax of a fixed Amount or Percentage has been assessed upon or levied from the Proprietors or Tenants or Occupiers of any Lands and Heritages, but according to a different Valuation from that established by this Act, it shall be lawful for the Sheriff on an Application from any Person or Persons authorized to assess or levy such Assessment, Rate, or Tax, or from any Ratepayer within such County, Burgh, or Parish, to fix and determine, after such Inquiry and Notice as he shall think proper,

CLAUSE N.
Where Assessments are levied under Local Acts on a different Valuation to that established by this Act, Sheriff of the County to fix Percentage.

what Per-centage, according to the Valuation to be made under this Act, corresponds with and will yield as nearly as may be the Sum which the Per-centage specified in such Statute should yield according to the Valuation, hitherto in use to be made up under such Statute, and the Per-centage so fixed by the Sheriff shall thereafter be held 5 to be the Per-centage provided by such Statute.

CLAUSE U.
Stipends not
assessable.

XXXIX. No Minister, or Pastor, or Preacher, or Priest of any Christian Congregation of any Denomination shall be liable to any Rate or Assessment in respect of his Manse, Glebe, or Stipend, or the annual Salary or Emolument of his Office, from whatever Source derived, 10 anything in the said Act of the Eighth and Ninth Victoria, Chapter Eighty-three, or in any other Act or Acts of Parliament, to the contrary notwithstanding.

CLAUSE V.
Rogue Mo-
ney.

XL. After the Completion of the First Valuation under this Act, it shall be in the Power of the Commissioners of Supply to assess on the 15 said Valuation and any subsequent Valuation the Rogue Money and all the other Assessments now levied on the valued Rent; provided that Notice of the Resolution so to assess be given at the Meeting of the said Commissioners previous to the Meeting at which such Assessment is to be made; but after such Resolution has once been adopted 20 by the said Commissioners it shall not be in their Power to revert to the former Mode of Assessment.

CLAUSE W.
Liability to
Assessment
not to be
altered.

XLI. Nothing contained in this Act shall alter or affect any Classification or Power of Classification, or any Deduction or Allowances, or Power of making Deductions or Allowances, from gross Rental, 25 made or possessed by any Body, Persons, or Person entitled to impose or levy Assessments, but the same shall not affect the Value to be inserted in the Valuation Roll in Terms of this Act; and nothing contained in this Act shall exempt from or render liable to Assessment any Person or Property not at present exempt from or liable to 30 Assessment; and within Two Months after the passing of this Act the Commissioners of Supply of each County, and the Magistrates of each Burgh, shall hold a Meeting and adopt such Measures as will enable the First Valuation Roll under this Act to be made up by the Fifteenth of August One thousand eight hundred and fifty-five. 35

Interpreta-
tion Clause.

XLII. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except when the Nature of the Provision or the Context of the Act shall exclude or be repugnant to such Construction; (that is to say,) the Expression "Lands and Heritages" shall extend to 40 and include all Lands, Houses, Shootings, and Deer Forests, where

where such Shootings or Deer Forests are actually let, Fishings, Woods, Copse and Underwood from which Revenue is actually derived, Ferries, Piers, Harbours, Quays, Wharfs, Docks, Canals, Railways, Mines, Minerals, Quarries, Coalworks, Water-
 5 works, Limeworks, Brickworks, Ironworks, Gasworks, Factories, and all Buildings and Pertinents thereof, and all Machinery fixed or attached to any Lands or Heritages: Provided always, that no Mine or Quarry shall be assessed unless it has been worked during some Part of the Year to which such Assessment applies; the Word "Oath" shall
 10 include the Affirmation of a Quaker, Separatist, or Moravian; the Word "Proprietor" shall apply to Liferenters as well as Fiars, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wadsetters, or other Persons who shall be in the actual Receipt of the Rents and Profits of Lands and Heritages; the Word "Factor" shall mean a Person
 15 acting under a probative Factory and Commission for the Proprietor or Proprietors, including Corporations being Proprietors, for whom he is Factor, and in the bonâ fide actual Management as such Factor of the Lands and Heritages belonging to such Proprietor; the Word "Burgh" shall apply only to a City,
 20 Burgh, or Town, being a Royal Burgh, or which sends or contributes as a Burgh to send a Member to Parliament; the Expression "Magistrates of Burghs" shall include the Lord Provost, or Provost, or Chief Magistrate and Magistrates and Councils of Burghs, and all Persons being Members for the Time of such Magistracy or
 25 Council; the Word "Town" shall extend to and include all Burghs, as well Royal and Parliamentary Burghs as Burghs of Barony or Regality, and all other Burghs whatsoever, and generally all Places situate within a County forming an Area of Assessment distinct from such County; the Word "County" shall include "Stewartry," and
 30 shall include and apply to a County exclusive of the Burghs situated therein; the Expression "the Assessor" shall mean the Assessor under this Act of the County or Burgh or Portion or District of the County or Burgh for which he is Assessor, as distinguished from the Assessor of Railways and Canals under this Act.

SCHEDULE referred to in the foregoing Act.

VALUATION ROLL FOR COUNTIES.

County of Parish of

No.	Description of Subject.	Proprietor.	Tenant.	Occupier.	Yearly Rent or Value.			
					1854.	1855.	1856.	1857.
1	Farm of —	A. B. of C.	E. F., residing at —	G. H., residing at —	1854.	1855.	1856.	1857.
-	Do.	Do.	Do.	Do.	150 <i>l.</i>	150 <i>l.</i>	150 <i>l.</i>	150 <i>l.</i>
-	Do.	Do.	Do.	Do.	-	-	-	-
-	Do.	Do.	L. M., residing at —	L. M., residing at —	-	-	-	160 <i>l.</i>
-	Do.	Do.	Do.	Do.	-	-	-	-
2	House, Garden, and Grounds of —	O. P., Esq., Mining Engineer.	-	O. P. aforesaid	40 <i>l.</i>	-	-	-
-	Do.	Do.	-	Do.	-	40 <i>l.</i>	40 <i>l.</i>	-
-	Do.	R. S., Merchant in —	-	Do.	-	-	-	35 <i>l.</i>
-	Do.	Do.	-	R. S., Merchant in —	-	-	-	-
-	Do.	Do.	-	Do.	-	-	-	-

VALUATION ROLL FOR BURGHS.

Burgh [*or* City] of Year

No.	Description of Subject.	Proprietor.	Tenant.	Occupier.	Yearly Rent or Value.	
					1854.	1855.
1	House, 9, High Street	A. B., residing at —	C. D., Merchant	C. D., Merchant	70 <i>l.</i>	70 <i>l.</i>
2	Shop, 10, Do.	E. F., Architect	G. H., Draper	G. H., Draper	50 <i>l.</i>	50 <i>l.</i>

Valuation of Lands.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT,
AND ON SECOND, THIRD, AND FOURTH RE-
COMMITMENTS]

For the Valuation of Lands and Heritages
in Scotland.

(Prepared and brought in by
The Lord Advocate and Viscount Palmerston.)

*Ordered, by The House of Commons, to be Printed,
4 July 1854.*

[Bill 176.]

Under 3 oz.

LORDS AMENDMENTS

TO THE

VALUATION OF LANDS (SCOTLAND) BILL.

Page 1. Line 19. Leave out (" in ") and insert (" within Two Months after the passing of this Act, the Commissioners of Supply of each County and the Magistrates of each Burgh shall hold a Meeting, and adopt such Measures as will enable the First Valuation Roll under this Act to be made up by the Fifteenth Day of August One thousand eight hundred and fifty-five ")

In") and in the same Line leave out (" such ") and insert (" the ")

Page 2. Line 1. Leave out (" such ") and insert (" the ") and in the same Line after (" Commissioners ") insert (" of Supply ")

Page 3. Line 4. Leave out (" Fifteenth ") and insert (" Twenty-fifth ")

Line 22. Leave out (" Sheriff ") and in the same Line after the First (" Clerk ") insert (" of Supply ")

Page 4. Line 21. and Line 22. Leave out (" and also of all Rates, Taxes, Charges, and Public Burdens payable out of the same ")

Page 5. Line 42. Leave out (" Sheriff or ")

Page 6. Line 1. Leave out (" County ") and insert (" Commissioners of Supply ")

Line 20. After (" Burgh ") insert (" sitting as an Appeal Court as above provided ")

Line 35. Leave out (" the Sheriff ") and insert (" them ")

Line 36. Leave out (" him ") and insert (" them ")

Line 37. After (" Cause ") insert (" Provided always, that where any Parish consists partly of a Burgh and partly of a Landward District, it shall be competent to the Commissioners of Supply of the County or to the Magistrates of such Burgh respectively, if they shall think that any Property within such Parish has been unduly valued, to refer the true Value of the same to the Sheriff of the County, who shall decide the same summarily without being subject to Review ; and the Magistrates and Commissioners of Supply respectively, on such Decision being produced to them, shall correct the Roll accordingly at the next ensuing Period of Valuation ")

[Bill 266.]

Page 7.

Page 7. Line 4. Leave out the First ("the") and insert ("their") and in the same Line leave out ("of the County")

Line 12. Leave out ("of the County")

Page 9. Line 6. Leave out ("Proprietrix") and insert ("Proprietor")

Line 23 and Line 24. Leave out ("on the First Day of May One thousand eight hundred and fifty-four") and insert ("at the Date of the passing of this Act")

Page 14. Line 20 and Line 21. Leave out ("on or before the thereby Thirtieth Day of November in each Year") and insert ("thereupon")

Page 17. Line 4. After ("the") insert ("gross")

Line 8. Leave out from ("forth") to ("and") in Line 16.

Line 43. Leave out ("Sheriff") and in the same Line after the First ("Clerk") insert ("of Supply")

Page 18. Line 13 and Line 14. After ("Scotland") insert ("Provided always, that in any Burgh in which the ordinary Jurisdiction of the Magistrates shall not extend over the whole of the said Boundaries, it shall be lawful to exclude therefrom for the Purposes of this Act, such Part thereof being beyond the ordinary Jurisdiction of the Magistrates, as may be mutually agreed on by the Magistrates of the Burgh and the Commissioners of Supply for the County, or in case of Disagreement as shall be determined by the Sheriff of such County")

Page 20. Line 5. After ("thereafter") insert ("subject to all legal Rights")

Line 23. Leave out ("at present") and insert ("previously")

Line 24. Leave out from ("Assessment") to the End of the Clause.

LORDS AMENDMENTS

TO THE

VALUATION OF LANDS (SCOT-
LAND) BILL.

*Ordered, by The House of Commons, to be Printed,
3 August 1854.*

[Bill 266.]

Under 1 oz.

1 March 1854. 17 VICT.



A

B I L L

FOR

Enabling the Vestries of Parishes in England and Wales to exercise certain Powers for effecting local Works and Improvements in their respective Parishes, and promoting the common Welfare of the Inhabitants.

[Note.—The words printed in *Italics* are proposed to be inserted in Committee.]

- W**HEREAS it is desirable that the Power and Authority of Preamble.
Parish Vestries to accomplish (as by Law and Custom
they may do) Purposes and Works for promoting the local
Improvement of their respective Parishes and the common Welfare of
5 the Inhabitants should be freed from all Doubt and Difficulty: Be it
therefore declared and enacted by the Queen's most Excellent Majesty,
by and with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows :
- 10 I. When at any Vestry of any Parish in England or Wales, Power given
summoned according to Law, a Committee shall have been appointed, to Vestries
by the Majority of those present at such Vestry, to carry out any to appoint
special Purpose or Works which such Vestry shall judge to be for the Committees
common Good of the Parish, of the intended Proposal for the Appoint- for special
15 ment of which Committee Notice shall have been given in the Summons Purposes.
- [Bill 32.] A calling

calling such Vestry, such Committee shall be held to be, and shall be, a Body Corporate for carrying out the special Objects of its Appointment, subject to such Rules as to Servants, Officers, and otherwise, and as to its own Continuance, and the Election or Re-election of Members, and otherwise, as the Vestry shall then or at any future Meeting appoint; and such Committee may, with the Consent of any Vestry held after like Notice as aforesaid, make, assess, and levy a Rate or Rates on the Inhabitants of the said Parish, or of some specified Part thereof, in order to carry out the Purposes of its Appointment. 5 10

Churchwardens to summon Vestry at Requisition of Inhabitants.

II. On the Requisition of any *Five* Inhabitants, where the Population of the Parish is less than *One thousand*, and of *Ten* Inhabitants where the Population exceeds *One thousand*, the Churchwardens of any Parish are required to summon a Vestry in the Form of Law within *Ten* Days after any such Requisition shall have been left with or at the Place of Occupation within the Parish of either of such Churchwardens, and the Purpose and Intention stated in such Requisition shall be fully stated in the Notices calling such Vestry. 15

Meetings of Committees.

III. Every such Committee shall meet at such Times and Places as shall be authorized by the Vestry at the Time of its Appointment or at any future Vestry; and all Meetings thereof shall be summoned by the Vestry Clerk or other Person appointed or approved by the Vestry for that Purpose; and Minutes shall be kept of the Proceedings of every Meeting of such Committee, which shall always be produced and open to public Inspection at every future Vestry, so long as such Committee remains in operation, and afterwards shall be deposited and kept in the Parish Chest, together with the Vestry Minute Books. 20 25

Accounts to be kept.

IV. An exact Account shall be kept of all the Receipts and Expenditure of every such Committee, which shall be laid before the Vestry twice every Year at the least, and shall be audited by Auditors appointed by the Vestry; and the Vestry may order an Abstract thereof, and of the Proceedings of the Committee, to be printed and distributed through the Parish, the Expense whereof, and any other Expenses incurred by any such Committee in the Discharge of the Duties committed to it, shall be paid out of any Parish Monies or Rate which the Vestry may think fit to charge with the same. 30 35

Sanitary Powers given to such Committees.

V. All the Powers which, by any Act now existing or hereafter to be made for the Removal of Nuisances or Prevention of Diseases, or for any other Objects of the like Nature, may be lodged in or 40 given

given to any local Body or Bodies in any such Act named, shall be fully and completely vested in any Committee that may be appointed for that Purpose by any Vestry; and such Committee may issue Summonses, Orders, and otherwise, and do all other Matters and
 5 Things in the same Manner as any Justice or Justices of the Peace are empowered by any such Act to do, and shall have all the same Powers as to any Nuisances that any Court Leet would have; and all the Orders and otherwise of any such Committee may be executed by any Officer who may, with the Approval of the Vestry, be appointed
 10 by such Committee for that Purpose.

VI. Any Parish may be divided into Districts by or under the Orders of and subject to the Approval of a Vestry of such Parish, held after due Notice as aforesaid for the Purpose of carrying out or appointing any Committee to carry out in any Part of such Parish, or
 15 separately in separate Parts thereof, any of the Purposes or Works for which a Committee or Committees may under this Act be appointed for the whole Parish.

Empowering
 Vestries to
 divide Pa-
 rishes into
 Districts.

B I L L

For enabling the Vestries of Parishes in England and Wales to exercise certain Powers for effecting local Works and Improvements in their respective Parishes, and promoting the common Welfare of the Inhabitants.

(*Prepared and brought in by
Mr. Evelyn and Mr. Viscount.*)

*Ordered, by The House of Commons, to be Printed,
1 March 1854.*

[Bill 32.]

Under 1 oz.

15 June 1854. 17 VICT.



A

B I L L

FOR

Establishing the Validity of certain Proceedings in Her Majesty's Court of Vice-Admiralty in Mauritius.

[Note.—The Words printed in *Italics* are proposed to be inserted
in Committee.]

WHEREAS James Wilson, Esquire, Chief Judge of the Preamble
Supreme Court in Mauritius, has since the Month of
October One thousand eight hundred and thirty-five
acted as Judge in Her Majesty's Court of Vice-Admiralty in that
5 Island: And whereas it has been discovered that on various Occa-
sions between the said Month of October One thousand eight
hundred and thirty-five and the Nineteenth Day of May One
thousand eight hundred and fifty-two he was not duly authorized
so to act: Be it therefore enacted by the Queen's most Excellent
10 Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, as follows :

I. All Acts, Proceedings, and Judgments heretofore done, taken, or given by the said James Wilson in the Capacity or assumed
15 Capacity of Judge of the said Vice-Admiralty Court before the
Nineteenth Day of May One thousand eight hundred and fifty-two
aforesaid inclusively, and not set aside by any competent Authority
[Bill 139.] Certain Acts, &c. done by James Wilson as Judge of Vice-Admiralty before

Court to be
deemed
valid.

before the *passing of this Act*, shall be deemed to be and to have been as valid and effectual for all Purposes whatever as if the said James Wilson had at the Time of such Acts, Proceedings, or Judgments respectively been legally and sufficiently authorized to officiate as such Judge.

5

James Wil-
son indem-
nified for
such Acts,
&c.

II. No Action, Prosecution, or other Proceeding shall be brought or taken in any Court against the said James Wilson by reason of the Illegality or Invalidity of any Act, Proceeding, or Judgment herein-before declared to be valid and effectual.

Vice-Admiralty Court (Mauritius).

A

B I L L

For establishing the Validity of certain
Proceedings in Her Majesty's Court of
Vice-Admiralty in Mauritius.

(*Prepared and brought in by
Mr. Peel and Mr. Bailew.*)

*Ordered, by The House of Commons, to be Printed,
15 June 1854.*

[Bill 139.]

Under 1 oz.



A

B I L L

TO

Repeal certain Provisions of an Act of the Fifth and Sixth Years of Her present Majesty, concerning the holding of Assizes for the County of Warwick.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of Her Majesty, intituled “ An Act to annex Preamble. 5 & 6 Vict. c. 110. the County of the City of Coventry to Warwickshire, and “ to define the Boundary of the City of Coventry,” it was enacted and s. 7.

5 provided that the Inhabitants of the City of Coventry should not be liable to be summoned or to serve on any Inquest or Jury for the County of Warwick elsewhere than within the County of Coventry; and it was thereby also enacted, that the Judges of Assize and Nisi s. 9.

10 Prius, and others named in Her Majesty’s Commissions of Oyer and Terminer and Gaol Delivery, should hold their Sittings at Nisi Prius, Oyer and Terminer, and Gaol Delivery, within the said City of Coventry for the said City and for such other Parts of the said County of Warwick as Her Majesty, with the Advice of Her Privy Council, from Time to Time should order, and at Warwick for so much of the

15 rest of the said County as should not be included in any such Order, and that the Sheriff of the County of Warwick should give his Attendance upon the said Judges and Commissioners, and should

[Bill 138.] cause

cause to be summoned to Warwick and Coventry such Grand and Petty Jurors of the County of Warwick as should be needed for the Execution of the said several Commissions: And whereas the Division of the said County of Warwick into Two Assize Districts, and the holding of Assizes at Coventry, under the said recited Enactments, 5 have been found inconvenient: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited
Enactments
repealed.

I. From and after the *Day of* 10
the said recited Enactments shall be repealed, and the Assizes for the whole County of Warwick, including the said City of Coventry, shall be holden at Warwick, and the Inhabitants of the said City of Coventry shall be liable to be summoned and serve upon all Inquests and Juries at the said Assizes, in like Manner as the other Inhabitants 15 of the said County.

Warwick Assizes.

A

BILL

To repeal certain Provisions of an Act of the Fifth and Sixth Years of Her present Majesty, concerning the holding of Assizes for the County of Warwick.

(*Prepared and brought in by*
Mr. Fitz-Roy and Viscount Palmerston.)

Ordered, by The House of Commons, to be Printed,
15 June 1854.

[Bill 138.]

Under 1 oz.

11 April 1854. 17 VICT.



A

B I L L

TO

Enable Her Majesty's Superior Courts of Common Law in England and Ireland to issue Process to compel the Attendance of Witnesses resident out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom.

WHEREAS great Inconvenience arises in the Administration of Justice from the Want of a Power in the Superior Courts of Law to compel the Attendance of Witnesses resident in One Part of the United Kingdom at a Trial in another Part, and the Examination of such Witnesses by Commission is not in all Cases a sufficient Remedy for such Inconvenience: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. If, in any Action or Suit now or at any Time hereafter depending in any of Her Majesty's Superior Courts of Common Law at Westminster or Dublin, it shall appear to the Court in which such Action is pending, or, if such Court is not sitting, to any Judge of any of the Superior Courts at Westminster or Dublin respectively, that it is proper to compel the personal Attendance at any Time of any Witness

[Bill 79.]

Witnesses may be sub-pœnaed to attend Superior Courts of Common Law at Westminster who

or Dublin,
although not
within the
Jurisdiction
of the said
Courts.

who may not be within the Jurisdiction of the Court in which such Action is pending, it shall be lawful for such Court or Judge, if in his or their Discretion it shall so seem fit, to order that a Writ called a Writ of Subpœna ad testificandum or of Subpœna duces tecum shall issue in special Form, commanding such Witness to attend such Trial whenever he shall be within the United Kingdom, and the Service of any such Writ of Subpœna in any Part of the United Kingdom shall be as valid and effectual to all Intents and Purposes as if such Subpœna had been served within the Jurisdiction of the Court from which it issues.

Statement to
be made at
Foot of Sub-
pœna that
the same is
issued by
special Order
of Court.

II. Every such Subpœna shall have at Foot thereof a Statement or Notice that the same is issued by the special Order of the Court or Judge, as the Case may be; and no such Subpœna shall issue without such special Order.

Act not to
prevent the
issuing of a
Commission
to examine
Witnesses.

III. Nothing herein contained shall alter or affect the Power of any of such Courts to issue a Commission for the Examination of Witnesses out of their Jurisdiction, in any Case in which notwithstanding this Act they shall think fit to issue such Commission.

Not to affect
the Admis-
sibility of
Evidence
where now
receivable.

IV. Nothing herein contained shall alter or affect the Admissibility of any Evidence at any Trial where such Evidence is now by Law receivable, on the Ground of any Witness being beyond the Jurisdiction of the Court, but the Admissibility of all such Evidence shall be determined as if this Act had not passed.

Witnesses.

A

B I L L

To enable Her Majesty's Superior Courts of Common Law in England and Ireland to issue Process to compel the Attendance of Witnesses resident out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom.

*(Prepared and brought in by
Mr. Isaac Butt and Mr. Gaskell.)*

*Ordered, by The House of Commons, to be Printed,
11 April 1854.*

[Bill 79.]

Under 1 oz.

5 May 1854. 17 VICT.



A

BILL

[AS AMENDED IN COMMITTEE]

TO

Enable Her Majesty's Superior Courts of Common Law in England and Ireland to issue Process to compel the Attendance of Witnesses resident out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom.

NEW TITLE FOR THIRD READING

AN ACT to enable the Courts of Law in England, Ireland, and Scotland to issue Process to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom.

[Note.—The Clause marked A. was added in Committee.]

WHEREAS great Inconvenience arises in the Administration of Justice from the Want of a Power in the Superior Courts of Law to compel the Attendance of Witnesses resident in One Part of the United Kingdom at a Trial in another Part, and the Examination of such Witnesses by Commission is not in all Cases a sufficient Remedy for such Inconvenience: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

I. If, in any Action or Suit now or at any Time hereafter depending in any of Her Majesty's Superior Courts of Common Law at Westminster or Dublin, or the Court of Session or Exchequer in Scotland, it shall appear to the Court in which such Action is pending, or, if such Court is not sitting, to any Judge of any of the said Courts respectively, that it is proper to compel the personal Attendance at
[Bill 88.]

Courts of Law in England, Ireland, and Scotland may issue Process to compel the Attendance of any

Witnesses
although not
within their
Jurisdiction.

any Time of any Witness who may not be within the Jurisdiction of the Court in which such Action is pending, it shall be lawful for such Court or Judge, if in his or their Discretion it shall so seem fit, to order that a Writ called a Writ of Subpœna ad testificandum or of Subpœna duces tecum or Warrant of Citation shall issue in special Form, commanding such Witness to attend such Trial wherever he shall be within the United Kingdom, and the Service of any such Writ of or Process in any Part of the United Kingdom shall be as valid and effectual to all Intents and Purposes as if same had been served within the Jurisdiction of the Court from which it issues. 10

Statement to
be made at
Foot of
Writ that
the same is
issued by
special Order
of Court.

II. Every such Writ shall have at Foot thereof a Statement or Notice that the same is issued by the special Order of the Court or Judge, as the Case may be; and no such Writ shall issue without such special Order.

CLAUSE (A.)
Witnesses
making de-
fault to be
punished by
the Courts of
the Country
in which the
Process was
served.

III. In case any Person so served shall not appear according to the Exigency of such Writ or Process, it shall be lawful for the Court out of which the same issued, upon Proof made of the Service thereof, and of such Default, to the Satisfaction of the said Court, to transmit a Certificate of such Default under the Seal of the same Court, or under the Hand of One of the Judges or Justices of the same, to any 15 of Her Majesty's Superior Courts of Common Law at Westminster, in case such Service was had in England, or in case such Service was had in Scotland to the Court of Session or Exchequer at Edinburgh, or in case such Service was had in Ireland to any of Her Majesty's Superior Courts of Common Law at Dublin; and the Court to which 25 such Certificate is so sent shall and may thereupon proceed against and punish the Person so having made default in like Manner as they might have done if such Person had neglected or refused to appear in obedience to a Writ of Subpœna or other Process issued out of such last-mentioned Court. 30

Act not to
prevent the
issuing of a
Commission
to examine
Witnesses.

IV. Nothing herein contained shall alter or affect the Power of any of such Courts to issue a Commission for the Examination of Witnesses out of their Jurisdiction, in any Case in which, notwithstanding this Act, they shall think fit to issue such Commission.

Not to affect
the Admis-
sibility of
Evidence
where now
receivable.

V. Nothing herein contained shall alter or affect the Admissibility 35 of any Evidence at any Trial where such Evidence is now by Law receivable, on the Ground of any Witness being beyond the Jurisdiction of the Court, but the Admissibility of all such Evidence shall be determined as if this Act had not passed.

Witnesses.

A

B I L L

[AS AMENDED IN COMMITTEE]

To enable Her Majesty's Superior Courts of Common Law in England and Ireland to issue Process to compel the Attendance of Witnesses resident out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom.

NEW TITLE FOR THIRD READING :

AN ACT to enable the Courts of Law in England, Ireland, and Scotland to issue Process to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom.

(Prepared and brought in by
Mr. Isaac Butt and Mr. Gushell.)

Ordered, by The House of Commons, to be Printed,
5 May 1854.

[Bill 88.]

Under 1 oz.

LORDS AMENDMENT
TO THE
WITNESSES BILL.

Page 2. Line 30. After (" Court") insert Clause A.

CLAUSE A.

None of the said Courts shall in any Case proceed against or punish any Person for having made default by not appearing to give Evidence in obedience to any Writ of Subpœna, or other Process issued under the Powers given by this Act, unless it shall be made to appear to such Court that a reasonable and sufficient Sum of Money to defray the Expenses of coming and attending to give Evidence, and of returning from giving such Evidence, had been tendered to such Person at the Time when such Writ of Subpœna or Process was served upon such Person.

Persons not
liable to
Punishment
for not ap-
pearing to
give Evi-
dence where
Expenses
have not
been de-
frayed.

LORDS AMENDMENT
TO THE
WITNESSES BILL.

*Ordered, by The House of Commons, to be Printed,
29 June 1854.*

[Bill 166.]

Under 1 oz.

11 April 1854. 17 VICT.



A

B I L L

FOR

The Amendment of the Law relating to Wreck and Salvage.

WHEREAS by an Act of the Tenth Year of the Reign of Preamble.
Her present Majesty, Chapter Ninety-nine, certain Acts
relating to the Law of Wreck and Salvage were con-
solidated, and it was thereby amongst other things provided that 9 & 10 Vict.
5 the Receiver General of Droits of Admiralty might from Time to c. 99. s. 3.
Time appoint Persons to act under him in the Execution of the said
Act, to be styled "Receivers of Droits of Admiralty," and that such
Receivers should hold their Offices during the Pleasure of the
Receiver General and the Pleasure of the Commissioners of the
10 Admiralty, and that the said Receivers should be entitled to certain
Fees therein mentioned, together with a further Remuneration, by
way of a Per-centage on the Proceeds of Sales of Droits made by
them: And whereas the said Act does not extend to Scotland: And
whereas the Serjeants of the Admiralty of the Cinque Ports, their 1 & 2 Vict.
15 Deputy or Deputies, or such other Officers as may from Time to c. 76. s. 11.
Time be authorized by the Lord Warden of the Cinque Ports,
perform, within the Jurisdiction of the Cinque Ports, all such Duties
as are elsewhere in England, Wales, and Ireland performed by such
Receivers as aforesaid: And whereas it is expedient to make further

[Bill 78.]

Provision

Provision with respect to Receivers, and to render the Practice in Matters of Wreck and Salvage uniform throughout the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, 5 and by the Authority of the same, as follows :

Commence-
ment and
Application
of Act.

I. This Act shall come into operation on the Day
of One thousand eight hundred and fifty- , and
shall apply to the whole of the United Kingdom of Great Britain and
Ireland.

10

Receiver
General to
conform to
Directions
of Board of
Trade, and
his Office on
Vacancy not
to be filled
up.

II. The said Receiver General shall, as to all things to be done by him in virtue of his Office, and in exercise of the Powers given to him by the said recited Act, conform to all lawful Directions given for that Purpose by the Committee of the Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plan-
tations, herein-after called " The Board of Trade ;" and on a Vacancy
occurring in his Office no Successor shall be appointed, but thereupon
all Powers and Privileges vested in such Receiver General shall be
transferred to the Board of Trade.

15

Officers of
Customs or
of Inland
Revenue to
act as Re-
ceivers.

III. The said Receivers appointed by the said Receiver General 20
shall hold their Offices during the Pleasure of the said Receiver
General and the Pleasure of the Board of Trade ; and the Serjeants
of the Admiralty of the Cinque Ports, their Deputies or other Officers
authorized to perform the Duties and to exercise the Powers within
the Jurisdiction of the Cinque Ports elsewhere performed and exercised 25
by such Receivers as aforesaid, shall perform and exercise the same
only during the Pleasure and subject to the Directions of the Board
of Trade ; and the Board of Trade may, with the Consent of the
Commissioners of Her Majesty's Treasury, direct that such Duties as
have hitherto been performed by such Receivers, Serjeants, Deputies, 30
or other Officers as aforesaid, shall, in any Place or District in the
United Kingdom, including Scotland, to which such Direction may
extend, be performed by any Officer of Customs, or if there is no
Officer of Customs residing within a convenient Distance then by any
Officer of Inland Revenue ; and all Officers so appointed shall con- 35
form to the Directions of the Board of Trade in Matters relating
to their Duty as Receivers ; and all Officers so appointed for any
Place or District within the United Kingdom shall, within such
Place or District, but subject to the Provisions of this Act, possess
the same Powers, Rights, and Privileges, and perform the same 40
Duties, as are by the said Act of the Tenth Year of Her present
Majesty vested in and committed to Receivers appointed by the said
Receiver General.

IV. The

IV. The said Act of the Tenth Year of Her present Majesty, Chapter Ninety-nine, shall, subject to the Provisions of this Act, apply to Scotland. Application of Salvage Act to Scotland.

V. There shall be payable throughout the United Kingdom, in respect of the several Matters mentioned in the Schedule hereto, such Fees not exceeding the Fees therein specified as the Board of Trade directs, and Payment thereof shall be made by the same Persons and in the same Manner, and shall be capable of being enforced by the same Means, as Payment of the Fees, Per-centages, or other Remuneration heretofore payable to the Receivers appointed under the said recited Act were payable and capable of being enforced in Places to which the same extended, or as near thereto as Circumstances will permit; and, save as aforesaid, and saving also any Expenses actually and properly incurred, and any lawful Salvage, no Receiver, or Person performing the Duties of a Receiver, whether appointed for that Purpose before or after the passing of this Act, shall be entitled to demand or receive from any Person any Fees or other Sums in respect of any Services performed by him as Receiver. Fees to be paid as in Schedule, and no other Sums to be chargeable.

VI. All Fees received under this Act by any Officer of Customs or of Inland Revenue shall be carried to the Credit of the Mercantile Marine Fund, and a separate Account thereof shall be kept, and the Monies arising therefrom shall be applied in defraying any Expenses duly incurred in carrying into effect the Purposes of this Act in such Manner as the Board of Trade directs. Application of Fees.

VII. Nothing in this Act contained shall affect the Right of any Body Corporate or Person to Wreck of the Sea, Derelict, or Droits of Admiralty. Saving Rights to Wreck, &c.

SCHEDULE OF FEES

*To be substituted for the Charges sanctioned by the Act
9 & 10 Victoria, c. 99.*

	£	s.	d.
For every Report in Writing to the Secretary of the Committee of Lloyd's of any Wreck or Articles found derelict, heretofore chargeable under Section VII. of the said Act	-	-	0 10 0
For every Examination upon Oath under Section XVI. of the said Act	-	-	1 0 0
But so that in no Case shall a larger Fee than Two Pounds be charged for Examinations taken in respect of the same Ship and the same Occurrence, whatever may have been the Number of the Deponents.			
For every Certificate accompanied by a Copy of the Proceedings and Award, as directed by Section XXIII. of the said Act	-	-	1 0 0
On all Goods found derelict and saved or preserved by the Receiver, whether the Goods be sold as Droits of Admiralty, or restored to the rightful Owners, or delivered up to the Lord of the Manor, instead of the Per-centage of Five per Cent. upon the Value thereof allowed by Sections III., IX., and X. of the said Act, a Fee or Per-centage of One per Cent. only on such Value.			

Wreck and Salvage.

A

B I L L

For the Amendment of the Law relating
to Wreck and Salvage.

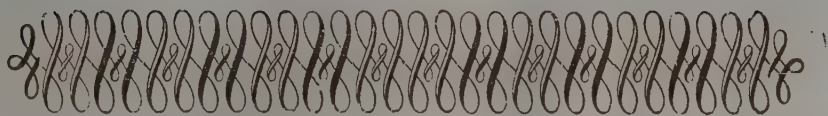
(Prepared and brought in by
Mr. Bouverie, Mr. Cardwell, and Sir J. Graham.)

*Ordered, by The House of Commons, to be Printed,
11 April 1854.*

[Bill 78.]

Under 1 oz.

19 June 1854. 17 VCT.



A

B I L L

FOR

The better Care and Reformation of Youthful Offenders in England and Wales.

[Note.--The Words printed in *Italics* are proposed to be inserted in
Committee.]

WHEREAS Reformatory Schools for the better training of Preamble.
Juvenile Offenders have been established by voluntary
Contributions in various Parts of England and Wales, and
it is expedient that more extensive Use should be made of such
5 Institutions: Be it enacted by the Queen's most Excellent Majesty,
by and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the Authority of the same, as follows:

I. It shall and may be lawful for Her Majesty's Secretary of On Applica-
10 State for the Home Department, upon Application made to him by tion from
the Directors or Managers of any such Institution, to direct One of Voluntary
Her Majesty's Inspectors of Prisons to examine and report to him Institution
upon its Condition and Regulations, and any such Institution as shall to Secretary
appear to the Satisfaction of the said Secretary of State, and shall be of State, In-
15 certified under his Hand and Seal to be useful and efficient for its spector to
Purpose, shall be held to be a Reformatory School under the Provi- report.
sions of this Act.

II. Whenever after the *passing of this Act* any Person under the Juvenile
Age of *Sixteen Years* shall be convicted of any Offence now punishable Offenders,
[Bill 144.] by how to be
dealt with.

by Law, either upon an Indictment or on Summary Conviction before One or more Justices of the Peace, then and in every such Case it shall be lawful for any Court, Judge, Police Magistrate of the Metropolis, Stipendiary Magistrate, or any Two Justices of the Peace before or by whom such Offender shall be so convicted, in addition to the Sentence then and there passed as a Punishment for his Offence, to direct such Offender to be sent at the Expiration of his Sentence to any of the aforesaid Reformatory Schools, and to be there detained for a Period not less than Years and not exceeding Years, and such Offender shall be liable to be detained pursuant to such Direction.

Treasury
may defray
Cost of Main-
tenance at
Reformatory.

III. It shall be lawful for the Commissioners of Her Majesty's Treasury, upon the Representation of One of Her Majesty's Principal Secretaries of State, to defray, out of any Funds which shall be provided by Parliament for that Purpose, either the whole Cost of the Care and Maintenance of any Juvenile Offender so detained in any Reformatory School as aforesaid, at such Rate per Head as shall be determined by them, or such Portion of such Cost as shall not have been recovered from the Parents or Step-parents of such Child, as herein-after provided, or such other Portion as shall be recommended by the said Secretary of State.

Absconding
or refractory
Conduct
at Reformatory,
how to
be punished;

IV. And whereas it is expedient that some Provision should be made for the Punishment of any Juvenile Offender, so directed to be detained as aforesaid in any such Reformatory School, who shall abscond therefrom, or wilfully neglect or refuse to abide by and conform to the Rules thereof: Be it enacted, That it shall and may be lawful to and for any Justice of the Peace acting in and for the County, City, Riding, or Division wherein the said Offender shall actually be at the Time he shall so abscond, or neglect, or refuse, as aforesaid, upon the Proof thereof made before him upon the Oath of One credible Witness, by Warrant under his Hand and Seal, to commit the Party so offending for every such Offence to any Gaol or House of Correction for the said County, City, Riding, or Division, with or without Hard Labour, for any Period not exceeding *Three* Calendar Months for the First Offence, and not exceeding *Six* Calendar Months for the Second or any subsequent Offence; such Imprisonment to be additional to the original Period or Term for which such Juvenile Offender was ordered to be detained as aforesaid.

Cost of Main-
tenance to
be partly re-
covered from
Parents, &c.

V. The Court by which any Juvenile Offender is ordered to be detained as aforesaid under this Act shall charge the Parent or Step-parent of such Offender, if of sufficient Ability to bear the same, with a Sum not exceeding per Week towards the Maintenance and

and Support of such Juvenile Offender while remaining in such Reformatory School, such Payment to be in relief of the Charges on Her Majesty's Treasury in all Cases where the Treasury shall have defrayed or undertaken to defray the whole or any Portion of the
5 Maintenance of such Offender, and in all other Cases such Payment to be made to the Directors or Managers of such Reformatory School.

VI. For the better compelling the Parent or Step-parent, as the Case may be, to support and maintain wholly or partly every such Juvenile Offender while in such Reformatory School the Provisions
10 contained in the Act passed in the Forty-third Year of the Reign of Queen Elizabeth, intituled "An Act for the Relief of the Poor," for compelling the Parent of every poor Person being of sufficient Ability at their own Charges to relieve and maintain such poor Person, and also the Provisions in the like Behalf contained in an Act passed in
15 the Fifty-ninth Year of the Reign of King George the Third, intituled "An Act to amend the Laws for the Relief of the Poor," and in an Act passed in the Fifth Year of the Reign of King William the Fourth, intituled "An Act for the Amendment and better Administration of
20 the Laws relating to the Poor in England and Wales," shall be respectively held and deemed and the same respectively are hereby directed to be applicable to the compelling the Parent or Step-parent respectively of every such Juvenile Offender to maintain or support him, either wholly or partly, while remaining in such Reformatory School, and for the Recovery of the weekly Payment so charged upon
25 such Parent or Step-parent.

For compelling Parent or Step-parent to support Juvenile Offenders while remaining in Reformatory School.

VII. This Act shall not apply to Ireland or Scotland.

Act not to apply to Ireland or Scotland.

A

BILL

For the better Care and Reformation
of Youthful Offenders in England
and Wales.

(Prepared and brought in by
Viscount Palmerston and Mr. FitzRoy.)

*Ordered, by The House of Commons, to be Printed,
19 June 1854.*

[Bill 144.]

Under 1 oz.

10 July 1854. 17 & 18 VICT.



A

BILL

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION
OF BILL AS AMENDED]

FOR

The better Care and Reformation of Youthful
Offenders in England and Wales.

PROPOSED NEW TITLE:

A BILL *for the better Care and Reformation of Youthful
Offenders in Great Britain.*

[Note.—*The Clause marked A. was added on Consideration of Bill
as amended.*]

WHEREAS Reformatory Schools for the better training of Preamble.
Juvenile Offenders have been and may be established by
voluntary Contributions in various Parts of Great Britain,
and it is expedient that more extensive Use should be made of such
5 Institutions: Be it enacted by the Queen's most Excellent Majesty,
by and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the Authority of the same, as follows:

I. It shall and may be lawful for Her Majesty's Secretary of
10 State for the Home Department, upon Application made to him by
the Directors or Managers of any such Institution, to direct One of
Her Majesty's Inspectors of Prisons to examine and report to him
upon its Condition and Regulations, and any such Institution as shall
appear to the Satisfaction of the said Secretary of State, and shall be
15 certified under his Hand and Seal, to be useful and efficient for its
Purpose, shall be held to be a Reformatory School under the
Provisions of this Act: Provided always, that it shall be lawful
for any of Her Majesty's Inspectors of Prisons to visit from
Time to Time any Reformatory School which shall have been so
20 certified as aforesaid; and if upon the Report of any such Inspector
[Bill 197.] On Applica-
tion from
voluntary
Institution
to Secretary
of State, In-
spectors to
report.
the

the said Secretary of State shall think proper to withdraw his said Certificate, and shall notify such Withdrawal under his Hand to the Directors or Managers of the said Institution, the same shall forthwith cease to be a Reformatory School within the Meaning of this Act.

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Juvenile
Offenders,
how to be
dealt with.

II. Whenever after the passing of this Act any Person under the Age of Sixteen Years shall be convicted of any Offence punishable by Law, either upon an Indictment or on Summary Conviction before One or more Justices of the Peace, then and in every such Case it shall be lawful for any Court, Judge, Police Magistrate of the Metro-
polis, Stipendiary Magistrate, or any One or Two Justices of the
Peace before or by whom such Offender shall be so convicted, in
addition to the Sentence then and there passed as a Punishment for
his Offence, to direct such Offender to be sent, at the Expiration of
his Sentence, to some One of the aforesaid Reformatory Schools to
be named in such Direction, the Directors or Managers of which
shall be willing to receive him, and to be there detained for a Period
not less than Two Years and not exceeding Five Years, and such
Offender shall be liable to be detained pursuant to such Direction:
Provided always, that no Offender shall be directed to be so sent
and detained as aforesaid unless the Sentence passed as a Punish-
ment for his Offence, at the Expiration of which he is directed to
be so sent and detained, shall be One of Imprisonment for Fourteen
Days at the least.

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Treasury
may defray
Cost of Main-
tenance at
Reformatory.

III. It shall be lawful for the Commissioners of Her Majesty's
Treasury, upon the Representation of One of Her Majesty's Principal
Secretaries of State, to defray, out of any Funds which shall be pro-
vided by Parliament for that Purpose, either the whole Cost of the
Care and Maintenance of any Juvenile Offender so detained in any
Reformatory School as aforesaid, at such Rate per Head as shall be
determined by them, or such Portion of such Cost as shall not have
been recovered from the Parents or Step-parents of such Child, as
herein-after provided, or such other Portion as shall be recommended
by the said Secretary of State.

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Absconding
or refrac-
tory Conduct
at Reforma-
tory, how to
be punished.

IV. And whereas it is expedient that some Provision should be made
for the Punishment of any Juvenile Offender, so directed to be de-
tained as aforesaid in any such Reformatory School, who shall abscond
therefrom, or wilfully neglect or refuse to abide by and conform
to the Rules thereof: Be it enacted, That it shall and may be lawful
to and for any Justice of the Peace acting in and for the County,
City, Borough, Riding, or Division wherein the said Offender shall
actually be at the Time he shall so abscond, or neglect or refuse

35

40

as

as aforesaid, upon the Proof thereof made before him upon the Oath of One credible Witness, by Warrant under his Hand and Seal, to commit the Party so offending for every such Offence to any Gaol or House of Correction for the said County, City, Borough, Riding, 5 or Division, with or without Hard Labour, for any Period not exceeding Three Calendar Months for the First Offence, and not exceeding Six Calendar Months for the Second or any subsequent Offence; such Imprisonment to be additional to the original Period or Term for which such Juvenile Offender was ordered to be detained 10 as aforesaid.

V. The Court by which any Juvenile Offender is ordered to be detained as aforesaid under this Act shall charge the Parent or Step-parent of such Offender, if of sufficient Ability to bear the same, with a Sum not exceeding Five Shillings per Week towards the Main- 15 tenance and Support of such Juvenile Offender while remaining in such Reformatory School, such Payment to be in relief of the Charges on Her Majesty's Treasury in all Cases where the Treasury shall have defrayed or undertaken to defray the whole or any Portion of the Maintenance of such Offender, and in all other Cases such Payment to 20 be made to the Directors or Managers of such Reformatory School.

Cost of Main-
tenance to
be partly re-
covered from
Parents, &c.

VI. For the better compelling the Parent or Step-parent, as the Case may be, to support and maintain wholly or partly every such Juvenile Offender while in such Reformatory School, the Provisions contained in the Act passed in the Forty-third Year of the Reign of 25 Queen Elizabeth, intituled "An Act for the Relief of the Poor," for compelling the Parent of every poor Person, being of sufficient Ability, at their own Charges to relieve and maintain such poor Person, and also the Provisions in the like Behalf contained in an Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled 30 An Act to amend the Laws for the Relief of the Poor," and in an Act passed in the Fifth Year of the Reign of King William the Fourth, intituled "An Act for the Amendment and better Administration of "the Laws relating to the Poor in England and Wales," shall be respectively held and deemed and the same respectively are hereby 35 directed to be applicable to the compelling the Parent or Step-parent respectively of every such Juvenile Offender to maintain or support him, either wholly or partly, while remaining in such Reformatory School, and for the Recovery of the weekly Payment so charged upon such Parent or Step-parent.

For compel-
ling Parent
or Step-
parent to
support Ju-
venile Off-
enders while
remaining in
Reformatory
School.

40 VII. It shall and may be lawful for Her Majesty's Secretary of State for the Home Department, if he shall think fit to do so, to remove any such Youthful Offender from one Reformatory School to another:

CLAUSE A.
Juvenile
Offenders
may be re-
moved from

Youthful Offenders.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CON-
SIDERATION OF BILL AS AMENDED]

For the better Care and Reformation
of Youthful Offenders in England
and Wales.

PROPOSED NEW TITLE :

A BILL for the better Care and Re-
formation of Youthful Offenders in
Great Britain.

(Prepared and brought in by
Viscount Palmerston and Mr. FitzRoy.)

Ordered, by The House of Commons, to be Printed,
10 July 1854.

[Bill 197.]

Under 1 oz.

Youthful Offenders.

4

one Refor-
matory to
another.

another: Provided always, that such Removal shall not increase the
Period for which such Offender was sentenced to remain in a Re-
formatory School.

Act not to
apply to
Ireland.

VIII. This Act shall not apply to Ireland.

LORDS AMENDMENTS
TO THE
YOUTHFUL OFFENDERS BILL.

Page 2. Line 9. Leave out (" One ") and insert (" a Police
" Magistrate of the Metropolis or other Stipendiary Magistrate, or
" before Two ")

Line 12. Leave out (" One or "), and in the same Line
after (" Two ") insert (" or more ")

Line 26. After (" least ") insert (" Provided also, that the
" Secretary of State for the Home Department may at any Time
" order any such Offender to be discharged from any such School ")

Line 42. After (" Peace ") insert (" or in Scotland for any
" Sheriff or Magistrate of a Burgh or Police Magistrate ")

Page 3. Line 4. After (" Seal ") insert (" or in Scotland under his
Hand ")

Line 8. Leave out from (" Months ") to the End of the
Clause.

LORDS AMENDMENTS
TO THE
YOUTHFUL OFFENDERS BILL.

*Ordered, by The House of Commons, to be Printed,
3 August 1854.*

[Bill 267.]

Under 1 oz.

